

2000

The State of Utah v. Angela Rasmussen : Addenda

Utah Court of Appeals
Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca2

 Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Randy T. Austin; Kirton & McConkie; Attorney for Appellant.

Utah Attorney General's Office; Attorneys for Appellee.

Utah Attorney General's Office

Appeals Division

Attorney for Appellee

160 East 300 South, 6th Floor

Salt Lake City, Utah 84114-0854

Randy T. Austin, #6171

KIRTON & McCONKIE

Attorneys for Appellant

1800 Eagle Gate Tower

60 East South Temple

P.O. Box 45120

Salt Lake City, Utah 84145-0120

Telephone: (801) 328-3600

Recommended Citation

Legal Brief, *Utah v. Rasmussen*, No. 20000773 (Utah Court of Appeals, 2000).

https://digitalcommons.law.byu.edu/byu_ca2/2884

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at

http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

~~FILED~~

IN THE UTAH COURT OF APPEALS

THE STATE OF UTAH,

Plaintiff and Appellee,

vs.

ANGELA RASMUSSEN

Defendant and Appellant.

:
:
:
:
:
:
:
:
:

Case No. 20000773

Priority No. 2

ORAL ARGUMENT REQUESTED

ADDENDUM TO APPELLANT'S OPENING BRIEF

**ON APPEAL FROM A JUDGMENT OF CONVICTION IN THE
THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY,
THE HONORABLE J. DENNIS FREDERICK PRESIDING**

Utah Attorney General's Office
Appeals Division
Attorney for Appellee
160 East 300 South, 6th Floor
Salt Lake City, Utah 84114-0854

Randy T. Austin, # 6171
KIRTON & McCONKIE
Attorneys for Appellant
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84145-0120
Telephone: (801) 328-3600

FILED
Utah Court of Appeals

JAN 10 2001

Paulene Stagg
Clerk of the Court

IN THE UTAH COURT OF APPEALS

THE STATE OF UTAH,	:	
	:	
Plaintiff and Appellee,	:	Case No. 20000773
	:	
vs.	:	Priority No. 2
	:	
ANGELA RASMUSSEN	:	ORAL ARGUMENT REQUESTED
	:	
Defendant and Appellant.	:	

ADDENDUM TO APPELLANT'S OPENING BRIEF

**ON APPEAL FROM A JUDGMENT OF CONVICTION IN THE
THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY,
THE HONORABLE J. DENNIS FREDERICK PRESIDING**

Utah Attorney General's Office
Appeals Division
Attorney for Appellee
160 East 300 South, 6th Floor
Salt Lake City, Utah 84114-0854

Randy T. Austin, # 6171
KIRTON & McCONKIE
Attorneys for Appellant
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84145-0120
Telephone: (801) 328-3600

Tab 1

AMENDMENT V

[Criminal actions — Provisions concerning — Due process of law and just compensation clauses.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

[Rights of accused.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defence.

AMENDMENT VII

[Trial by jury in civil cases.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

[Bail — Punishment.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT XIV

Section

1. [Citizenship — Due process of law — Equal protection.]
2. [Representatives — Power to reduce appointment.]
3. [Disqualification to hold office.]

Section

4. [Public debt not to be questioned — Debts of the Confederacy and claims not to be paid.]
5. [Power to enforce amendment.]

Section 1. [Citizenship — Due process of law — Equal protection.]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. [Representatives — Power to reduce appointment.]

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. [Disqualification to hold office.]

No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. [Public debt not to be questioned — Debts of the Confederacy and claims not to be paid.]

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5. [Power to enforce amendment.]

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

History: Proposed by Congress on June 16, 1866; declared to have been ratified by three-fourths of all the states on July 28, 1868.

AMENDMENT XV

Section

1. [Right of citizens to vote — Race or color not to disqualify.]

Section

2. [Power to enforce amendment.]

Section 1. [Right of citizens to vote — Race or color not to disqualify.]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. [Power to enforce amendment.]

The Congress shall have power to enforce this article by appropriate legislation.

History: Proposed by Congress on February 27, 1869; declared to have been ratified by more than three-fourths of all the states on March 30, 1870.

AMENDMENT XVI

[Income tax.]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

COLLATERAL REFERENCES

Utah Law Review. — The Mootness Question in Habeas Corpus Proceedings Where Petitioner Is Released Prior to Final Adjudication, 1969 Utah L. Rev. 265.

Habeas Corpus and the In-Service Conscientious Objector, 1969 Utah L. Rev. 328.

Post-Conviction Procedure Act: Limitation on Habeas Corpus?, 1969 Utah L. Rev. 595.

Am. Jur. 2d. — 39 Am. Jur. 2d Habeas Corpus §§ 5 to 7.

C.J.S. — 16A C.J.S. Constitutional Law § 472 et seq.; 39 C.J.S. Habeas Corpus § 5.

A.L.R. — Anticipatory relief in federal courts against state criminal prosecutions growing out of civil rights activities, 8 A.L.R.3d 301.

Key Numbers. — Constitutional Law ⇨ 83(1), 121 to 123.

Sec. 6. [Right to bear arms.]

The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms.

History: Const. 1896; L. 1984 (2nd S.S.), S.J.R. 3.

Compiler's Notes. — Laws 1983, Senate

Joint Resolution No. 2, proposing to amend this section, was repealed by Senate Joint Resolution No. 3, Laws 1984 (2nd S.S.), § 2.

NOTES TO DECISIONS

ANALYSIS

Prospective application.

Regulation of right to bear arms.

Prospective application.

The amendment to this provision by Laws 1984 (2nd S.S.), Senate Joint Resolution No. 3 is to be given prospective application only. State v. Wacek, 703 P.2d 296 (Utah 1985).

Regulation of right to bear arms.

This section gives sufficient authority for the legislature to forbid the possession of dangerous weapons by those who are not citizens, or who have been convicted of crimes, or who are addicted to drugs, or who are mentally incompetent. State v. Beorchia, 530 P.2d 813 (Utah 1974).

COLLATERAL REFERENCES

Utah Law Review. — The Individual Right to Bear Arms: An Illusory Public Pacifier?, 1986 Utah L. Rev. 751.

Am. Jur. 2d. — 79 Am. Jur. 2d Weapons and Firearms § 4.

C.J.S. — 16A C.J.S. Constitutional Law § 511; 94 C.J.S. Weapons § 2.

A.L.R. — Gun control laws, validity and construction of, 28 A.L.R.3d 845.

Validity of statute proscribing possession or carrying of knife, 47 A.L.R.4th 651.

Key Numbers. — Constitutional Law ⇨ 82; Weapons ⇨ 1, 3, 6 et seq.

Sec. 7. [Due process of law.]

No person shall be deprived of life, liberty or property, without due process of law.

History: Const. 1896.

Cross-References. — Eminent domain generally, § 78-34-1 et seq.

Workmen's Compensation Act is not invalid because it delegates to industrial commission the power to hear, consider and determine controversies between litigants as to ultimate liability, or their property rights. *Utah Fuel Co. v. Industrial Comm'n*, 57 Utah 246, 194 P. 122 (1920).

Dependents of employee killed by acts of third party, a stranger to employment, are not

limited to recovery under Workmen's Compensation Act exclusively, unless they have assigned their rights to insurance carrier. *Robinson v. Union Pac. R.R.*, 70 Utah 441, 261 P. 9 (1927).

Cited in *Wrolstad v. Industrial Comm'n*, 786 P.2d 243 (Utah Ct. App. 1990).

COLLATERAL REFERENCES

Utah Law Review. — No-Fault Automobile Insurance in Utah — State Constitutional Issues, 1970 Utah L. Rev. 248.

Comment, The Defense of Entrapment: Next Move — Due Process? 1971 Utah L. Rev. 266.

Comment, The Scope of Fourteenth Amendment Due Process: Counsel in Prison Disciplinary Proceedings, 1971 Utah L. Rev. 275.

Comment, The Utah Supreme Court and the Utah State Constitution, 1986 Utah L. Rev. 319.

Outdoor Sports and Torts: An Analysis of Utah's Recreational Use Act, 1988 Utah L. Rev. 47.

Recent Developments in Utah Law — Judicial Decisions — Constitutional Law, 1990 Utah L. Rev. 129.

Am. Jur. 2d. — 16A Am. Jur. 2d Constitutional Law §§ 613 to 617.

C.J.S. — 16D C.J.S. Constitutional Law §§ 1428 to 1437.

A.L.R. — Exclusion of public from state

criminal trial in order to preserve confidentiality of undercover witness, 54 A.L.R.4th 1156.

Exclusion of public from state criminal trial in order to prevent disturbance by spectators or defendant, 55 A.L.R.4th 1170.

Exclusion of public from state criminal trial in order to avoid intimidation of witness, 55 A.L.R.4th 1196.

False light invasion of privacy—defenses and remedies, 57 A.L.R.4th 244.

Imputation of criminal, abnormal, or otherwise offensive sexual attitude or behavior as defamation—post-New York Times cases, 57 A.L.R.4th 404.

Libel or slander: defamation by statement made in jest, 57 A.L.R.4th 520.

Defamation: designation as scab, 65 A.L.R.4th 1000.

Intentional spoliation of evidence, interfering with prospective civil action, as actionable, 70 A.L.R.4th 984.

Key Numbers. — Constitutional Law ⇨ 322, 324, 327, 328.

Sec. 12. [Rights of accused persons.]

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

History: Const. 1896.

Cross-References. — Rights of defendants, statutory provisions, § 77-1-6.

PART 5

BURDEN OF PROOF

76-1-501. Presumption of innocence — “Element of the offense” defined.

(1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In absence of such proof, the defendant shall be acquitted.

(2) As used in this part the words “element of the offense” mean:

(a) The conduct, attendant circumstances, or results of conduct proscribed, prohibited, or forbidden in the definition of the offense;

(b) The culpable mental state required.

(3) The existence of jurisdiction and venue are not elements of the offense but shall be established by a preponderance of the evidence.

History: C. 1953, 76-1-501, enacted by L. 1973, ch. 196, § 76-1-501.

NOTES TO DECISIONS

ANALYSIS

Gang enhancement statute.
Cited.

Gang enhancement statute.

Section 76-3-203.1 creates a crime of a higher degree; it does not merely impose an enhancement to a sentence for an underlying crime.

Thus, each of the conditions required for the enhanced penalty is an element of the higher offense. *State v. Lopes*, 980 P.2d 191 (Utah 1999).

Cited in *Jones v. Shulsen*, 717 P.2d 1336 (Utah 1986); *State v. Sorenson*, 758 P.2d 466 (Utah Ct. App. 1988); *State v. James*, 819 P.2d 781 (Utah 1991).

COLLATERAL REFERENCES

Utah Law Review. — Child Sexual Abuse Cases, 1986 Utah L. Rev. 443.

Note, *State v. Johnson* and Multiple Factual Theories: A Practitioner's Guide to Interpreting Utah's "Patchwork Verdict" Rules, 1993 Utah L. Rev. 907.

Am. Jur. 2d. — 29 Am. Jur. 2d Evidence § 236.

C.J.S. — 22A C.J.S. Criminal Law §§ 682, 697.

76-1-502. Negating defense by allegation or proof — When not required.

Section 76-1-501 does not require negating a defense:

(1) By allegation in an information, indictment, or other charge; or

(2) By proof, unless:

(a) The defense is in issue in the case as a result of evidence presented at trial, either by the prosecution or the defense; or

(b) The defense is an affirmative defense, and the defendant has presented evidence of such affirmative defense.

History: C. 1953, 76-1-502, enacted by L. 1973, ch. 196, § 76-1-502.

the circumstances described in Sections 76-2-402 through 76-2-406 of this part;

(2) When the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;

(3) When the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis;

(4) When the actor's conduct is reasonable discipline of persons in custody under the laws of the state;

(5) When the actor's conduct is justified for any other reason under the laws of this state.

History: C. 1953, 76-2-401, enacted by L. 1973, ch. 196, § 76-2-401.

NOTES TO DECISIONS

ANALYSIS

Instruction.
Cited.

Instruction.

When there is a basis in the evidence, whether produced by the prosecution or by the defendant, that would provide some reasonable basis for the jury to conclude that a killing was

done to protect the defendant from an imminent threat of death by another, an instruction on self-defense should be given the jury, and the prosecution has the burden to prove beyond a reasonable doubt that the killing was not in self-defense. State v. Knoll, 712 P.2d 211 (Utah 1985).

Cited in State v. Alonzo, 932 P.2d 606 (Utah Ct. App. 1997), aff'd, 973 P.2d 975 (Utah 1998).

COLLATERAL REFERENCES

Am. Jur. 2d. — 40 Am. Jur. 2d Homicide § 110.

C.J.S. — 22 C.J.S. Criminal Law § 49.

A.L.R. — "Choice of evils," necessity, duress, or similar defense to state or local criminal charges based on acts of public protest, 3 A.L.R.5th 521.

Necessity or emergency as defense in prosecution for driving without operator's license or while license is suspended, 7 A.L.R.5th 73.

Ineffective assistance of counsel: compulsion, duress, necessity, or "hostage syndrome" defense, 8 A.L.R.5th 713.

76-2-402. Force in defense of person — Forcible felony defined.

(1) A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that force is necessary to defend himself or a third person against such other's imminent use of unlawful force. However, that person is justified in using force intended or likely to cause death or serious bodily injury only if he or she reasonably believes that force is necessary to prevent death or serious bodily injury to himself or a third person as a result of the other's imminent use of unlawful force, or to prevent the commission of a forcible felony.

(2) A person is not justified in using force under the circumstances specified in Subsection (1) if he or she:

(a) initially provokes the use of force against himself with the intent to use force as an excuse to inflict bodily harm upon the assailant;

(b) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or

(c) (i) was the aggressor or was engaged in a combat by agreement, unless he withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force; and

(ii) for purposes of Subsection (i) the following do not, by themselves, constitute "combat by agreement":

(A) voluntarily entering into or remaining in an ongoing relationship; or

(B) entering or remaining in a place where one has a legal right to be.

(3) A person does not have a duty to retreat from the force or threatened force described in Subsection (1) in a place where that person has lawfully entered or remained, except as provided in Subsection (2)(c).

(4) For purposes of this section, a forcible felony includes aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Title 76, Chapter 5, and arson, robbery, and burglary as defined in Title 76, Chapter 6. Any other felony offense which involves the use of force or violence against a person so as to create a substantial danger of death or serious bodily injury also constitutes a forcible felony. Burglary of a vehicle, defined in Section 76-6-204, does not constitute a forcible felony except when the vehicle is occupied at the time unlawful entry is made or attempted.

(5) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:

(a) the nature of the danger;

(b) the immediacy of the danger;

(c) the probability that the unlawful force would result in death or serious bodily injury;

(d) the other's prior violent acts or violent propensities; and

(e) any patterns of abuse or violence in the parties' relationship.

History: C. 1953, 76-2-402, enacted by L. 1973, ch. 196, § 76-2-402; 1974, ch. 32, § 6; 1991, ch. 10, § 5; 1994, ch. 26, § 1.

Legislative Intent. — Laws 1994, ch. 26, § 2 provides: "Amendments made by this act to Section 76-2-402, regarding self defense, are intended to clarify that justification of the use of force in defense of a person applies equally to all persons including victims of abuse in ongoing

relationships. It is intended that otherwise competent evidence regarding a victim's response to patterns of domestic abuse or violence be considered by the trier of fact in determining imminence or reasonableness in accordance with that section, and that the evidence be considered when useful in understanding the perceptions or conduct of a witness."

NOTES TO DECISIONS

ANALYSIS

Burden of proof

Evidence.

— Habit or character of victim

— Imminent danger.

— Probable aggressor.

Forcible ejection.

Instructions.

Jury question.

Provocation.

Retreat.

Self-defense denied

Standard.

Cited.

Burden of proof.

When defendant offered proof of self-defense

(2) A person is guilty of criminal trespass of an abandoned or inactive mine if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204:

(a) the person intentionally enters and remains unlawfully in the underground workings of an abandoned or inactive mine; or

(b) intentionally and without authority removes, destroys, or tampers with any warning sign, covering, fencing, or other method of protection from entry placed on, around, or over any mine shaft, mine portal, or other abandoned or inactive mining excavation property.

(3) A violation of Subsection (2)(a) is a class B misdemeanor.

(4) A violation of Subsection (2)(b) is a class A misdemeanor.

History: C. 1953, 76-6-206.1, enacted by L. 1997, ch. 223, § 1.

Effective Dates. — Laws 1997, ch. 223

became effective on May 5, 1997, pursuant to Utah Const., Art. VI, Sec. 25.

PART 3

ROBBERY

76-6-301. Robbery.

(1) A person commits robbery if:

(a) the person unlawfully and intentionally takes or attempts to take personal property in the possession of another from his person, or immediate presence, against his will, by means of force or fear; or

(b) the person intentionally or knowingly uses force or fear of immediate force against another in the course of committing a theft.

(2) An act shall be considered "in the course of committing a theft" if it occurs in an attempt to commit theft, commission of theft, or in the immediate flight after the attempt or commission.

(3) Robbery is a felony of the second degree.

History: C. 1953, 76-6-301, enacted by L. 1973, ch. 196, § 76-6-301; 1995, ch. 222, § 1.

Amendment Notes. — The 1995 amendment, effective May 1, 1995, rewrote Subsection (1), which had read "Robbery is the unlawful and intentional taking of personal property in the possession of another from his person, or

immediate presence, against his will, accomplished by means of force or fear," added Subsection (2), and redesignated former Subsection (2) as (3).

Cross-References. — Assault, § 76-5-102. Attempt, § 76-4-101.

NOTES TO DECISIONS

ANALYSIS

Attempt.

Evidence.

— Sufficiency.

— Testimony.

Intent.

Predicate offense for sentence enhancement.

Taking of property.

Threats.

Cited.

Attempt.

Trial court's failure to instruct that in order

to convict of attempted robbery the jury must find, beyond a reasonable doubt, that defendant's conduct constituted a "substantial step" toward commission of the offense and that the substantial step must be "strongly corroborative" of defendant's intent to commit the offense was reversible error. *State v. Harmon*, 712 P.2d 291 (Utah 1986).

Evidence.

— **Sufficiency.**

Possession of stolen property alone was not

sufficient to sustain conviction for robbery, but its quality as evidence was of such high degree that even slight corroborative proof of other inculpatory circumstances would warrant conviction of felony murder based on intent to rob. *State v. Boyland*, 27 Utah 2d 268, 495 P.2d 315 (1972).

Evidence was sufficient to support defendant's conviction for robbery. See *State v. Ulibarri*, 668 P.2d 568 (Utah 1983) (theft from convenience store).

—Testimony.

In prosecution for robbery, based on defendant's alleged act of taking money from person of another, where defense was that, if defendant actually was guilty of the act, he took money under claim of ownership and in honest belief that he had right to it, defendant had the right to testify as to his intent, belief, and motive at time of alleged robbery; it was error for trial court to refuse to permit him to answer question, asked while he was testifying in his own behalf, as to whether at time when he allegedly took the money, he honestly believed money was his and that he had a right to take it. *People v. Hughes*, 11 Utah 100, 39 P. 492 (1895).

Intent.

In determining whether the defendant had an intent to commit robbery, the jury was entitled to resort to reasonable inferences based upon an examination of all the surrounding circumstances. *State v. Gutierrez*, 714 P.2d 295 (Utah 1986).

Predicate offense for sentence enhancement.

Conviction of attempted robbery satisfied

predicate offense requirement for sentence enhancement under § 76-3-203.5. *State v. Gallegos*, 941 P.2d 643 (Utah Ct. App. 1997).

Taking of property.

Defendant who, at gunpoint, demanded money from cashier of motel and then after picking up money turned to walk out of motel but was seized near doorway, subdued and forced to drop the money had sufficiently asportated the money to complete the crime of robbery; escape to place of temporary safety was not necessary to completion of crime. *State v. Roberts*, 30 Utah 2d 407, 518 P.2d 1246 (1974).

Threats.

Where the victim was not misled by the use of a firearm or a facsimile thereof, but rather by defendant's threatening words and gestures, while this certainly satisfies the elements of robbery which must be accomplished by means of force and fear, a second-degree felony, it does not satisfy the elements of aggravated robbery. *State v. Suniville*, 741 P.2d 961 (Utah 1987) (reducing conviction to robbery and remanding for resentencing).

Cited in *State v. Morrell*, 803 P.2d 292 (Utah Ct. App. 1990); *State v. Adams*, 830 P.2d 310 (Utah Ct. App. 1992); *State v. Germonto*, 868 P.2d 50 (Utah 1993); *Parsons v. Barnes*, 871 P.2d 516 (Utah), cert. denied, 513 U.S. 960, 115 S. Ct. 431, 130 L. Ed. 2d 344 (1994); *D.B. v. State*, 925 P.2d 178 (Utah Ct. App. 1996).

COLLATERAL REFERENCES

Am. Jur. 2d. — 67 Am. Jur. 2d Robbery § 1.
C.J.S. — 77 C.J.S. Robbery § 3.

A.L.R. — Earlier prosecution for offense during which homicide was committed as bar to prosecution for homicide, 11 A.L.R.3d 834.

Purse snatching as robbery or theft, 42 A.L.R.3d 1381.

Prosecution for robbery of one person as bar to subsequent prosecution for robbery of another person committed at the same time, 51 A.L.R.3d 693.

76-6-302. Aggravated robbery.

(1) A person commits aggravated robbery if in the course of committing robbery, he:

(a) uses or threatens to use a dangerous weapon as defined in Section 76-1-601;

(b) causes serious bodily injury upon another; or

(c) takes an operable motor vehicle.

(2) Aggravated robbery is a first degree felony.

(3) The judges of the Court of Appeals shall elect a presiding judge from among the members of the court by majority vote of all judges. The term of office of the presiding judge is two years and until a successor is elected. A presiding judge of the Court of Appeals may serve in that office no more than two successive terms. The Court of Appeals may by rule provide for an acting presiding judge to serve in the absence or incapacity of the presiding judge.

(4) The presiding judge may be removed from the office of presiding judge by majority vote of all judges of the Court of Appeals. In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:

- (a) administer the rotation and scheduling of panels;
- (b) act as liaison with the Supreme Court;
- (c) call and preside over the meetings of the Court of Appeals; and
- (d) carry out duties prescribed by the Supreme Court and the Judicial Council.

(5) Filing fees for the Court of Appeals are the same as for the Supreme Court.

History: C. 1953, 78-2a-2, enacted by L. 1986, ch. 47, § 45; 1988, ch. 248, § 7.

NOTES TO DECISIONS

Stare decisis.

A rule of law pronounced by a panel of the Court of Appeals governs all later cases involving the same legal issues decided by other

panels of that court and all courts of lower rank. *Renn v. Utah State Bd. of Pardons*, 904 P.2d 677 (Utah 1995).

78-2a-3. Court of Appeals jurisdiction.

(1) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:

- (a) to carry into effect its judgments, orders, and decrees; or
- (b) in aid of its jurisdiction.

(2) The Court of Appeals has appellate jurisdiction, including jurisdiction of interlocutory appeals, over:

(a) the final orders and decrees resulting from formal adjudicative proceedings of state agencies or appeals from the district court review of informal adjudicative proceedings of the agencies, except the Public Service Commission, State Tax Commission, School and Institutional Trust Lands Board of Trustees, Division of Forestry, Fire and State Lands actions reviewed by the executive director of the Department of Natural Resources, Board of Oil, Gas, and Mining, and the state engineer;

(b) appeals from the district court review of:

(i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and

(ii) a challenge to agency action under Section 63-46a-12.1;

(c) appeals from the juvenile courts;

(d) interlocutory appeals from any court of record in criminal cases, except those involving a charge of a first degree or capital felony;

(e) appeals from a court of record in criminal cases, except those involving a conviction of a first degree or capital felony;

(f) appeals from orders on petitions for extraordinary writs sought by persons who are incarcerated or serving any other criminal sentence,

except petitions constituting a challenge to a conviction of or the sentence for a first degree or capital felony;

(g) appeals from the orders on petitions for extraordinary writs challenging the decisions of the Board of Pardons and Parole except in cases involving a first degree or capital felony;

(h) appeals from district court involving domestic relations cases, including, but not limited to, divorce, annulment, property division, child custody, support, visitation, adoption, and paternity;

(i) appeals from the Utah Military Court; and

(j) cases transferred to the Court of Appeals from the Supreme Court.

(3) The Court of Appeals upon its own motion only and by the vote of four judges of the court may certify to the Supreme Court for original appellate review and determination any matter over which the Court of Appeals has original appellate jurisdiction.

(4) The Court of Appeals shall comply with the requirements of Title 63, Chapter 46b, Administrative Procedures Act, in its review of agency adjudicative proceedings.

History: C. 1953, 78-2a-3, enacted by L. 1986, ch. 47, § 46; 1987, ch. 161, § 304; 1988, ch. 73, § 1; 1988, ch. 210, § 141; 1988, ch. 248, § 8; 1990, ch. 80, § 5; 1990, ch. 224, § 3; 1991, ch. 268, § 22; 1992, ch. 127, § 12; 1994, ch. 13, § 45; 1995, ch. 299, § 47; 1996, ch. 159, § 19; 1996, ch. 198, § 49.

Amendment Notes. — The 1992 amendment, effective April 27, 1992, added Subsection (2)(h) and redesignated former Subsections (2)(h) through (j) as Subsections (2)(i) through (k).

The 1994 amendment, effective May 2, 1994, substituted “Board of Pardons and Parole” for “Board of Pardons” in Subsection (2)(h) and inserted “Administrative Procedures Act” in Subsection (4).

The 1995 amendment, effective May 1, 1995, substituted “School and Institutional Trust

Lands Board of Trustees, Division of Sovereign Lands and Forestry actions reviewed by the executive director of the Department of Natural Resources” for “Board of State Lands” in Subsection (2)(a).

The 1996 amendment by ch. 159, effective July 1, 1996, substituted “Division of Forestry, Fire and State Lands” for “Division of Sovereign Lands and Forestry” in Subsection (2)(a).

The 1996 amendment by ch. 198, effective July 1, 1996, deleted former Subsection (2)(d), listing appeals from circuit courts, and redesignated former Subsections (2)(e) to (2)(k) as (2)(d) to (2)(j).

This section is set out as reconciled by the Office of Legislative Research and General Counsel.

Cross-References. — Composition and jurisdiction of military court, §§ 39-6-15, 39-6-16.

NOTES TO DECISIONS

ANALYSIS

Decisions of Board of Pardons.

Extraordinary writs.

Final order.

Habeas corpus proceedings.

Post-conviction review.

Scope.

— Sentence reduction.

Cited.

Decisions of Board of Pardons.

The Court of Appeals hears appeals from orders on petitions for extraordinary writs challenging decisions of the Board of Pardons, except when the petition additionally challenges the conviction of or sentence for a first degree felony or a capital felony. Then the appeal is to be heard by the Supreme Court. *Preece v. House*, 886 P.2d 508 (Utah 1994).

Extraordinary writs.

The Court of Appeals had jurisdiction over a petition for a writ of mandamus directed against a judge of the district court based on its authority under this section to enforce compliance with a prior order and to issue writs in aid of its appellate jurisdiction. *Barnard v. Murphy*, 882 P.2d 679 (Utah Ct. App. 1994).

The term “original” in § 78-2-2(2) adds nothing to the Supreme Court’s writ jurisdiction — and its absence in Subsection (1) takes nothing from the jurisdiction of the Court of Appeals — because jurisdiction over petitions for extraordinary writs necessarily invokes a court’s jurisdiction to consider a petition originally filed with it as opposed to its appellate jurisdiction over cases that originated elsewhere. *Barnard v. Murphy*, 882 P.2d 679 (Utah Ct. App. 1994).

Because, under this section, the Court of

Tab 2

FILED DISTRICT COURT
Third Judicial District

JUL 19 2000

By PM SALT LAKE COUNTY
Deputy Clerk

1. Can we know
about D's prior
criminal record?

2. Can we see
Lindsay's testimony
& Angela's "
please

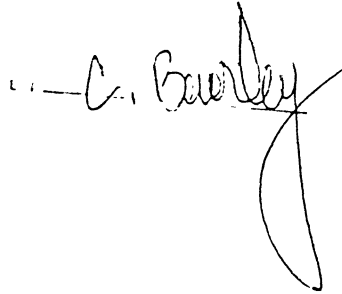
3. Can we separate
the traffic accident
from the Robbery?

4. Where is the location of the "alleged"
boy seen by Ron & Lindsay?

Martin B. Petersen
Foreman

MARTIN B. PETERSEN

Randy T. Austin, #6171
KIRTON & McCONKIE
Attorneys for Defendant
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84145-0120
Telephone: (801) 328-3600



IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH

Plaintiff,

vs.

ANGELA RASMUSSEN

Defendant.

:
:
:
:
:
:
:
:
:
:
:

**MOTION FOR ARREST OF
JUDGMENT**

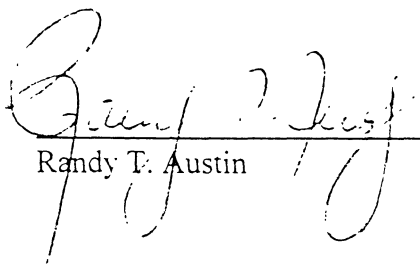
Case No. 001902957

Judge J. Dennis Frederick

Defendant Angela Brown Rasmusson hereby respectfully moves the Court to Arrest Judgment pursuant to Utah R. Crim. Pro. 23. This motion is supported by a Memorandum filed concurrently herewith.

DATED this 31st day of August, 2000.

KIRTON & McCONKIE



Randy T. Austin

1 The store is closed on Sunday. You can't count Saturday, and
2 then four days later they found it on the floor. Bottom line
3 is if you don't have a theft, you don't have a robbery.

4 Angela had done nothing wrong. She went outside the
5 store, and this man was now pursuing her, and he said, "Could
6 we talk?" You'll find that she's a very small person. She's
7 probably a little paranoid -- probably a lot paranoid. She's
8 had some real ugly experiences in her life, and she just didn't
9 want to have a confrontation with what she perceived as a very
10 angry man coming after her.

11 She rolled up the windows. She locked all the doors.
12 She says to him through the window, "Please leave me alone."
13 He'll say he didn't hear that or remember that. She'll say, "I
14 didn't hear him say anything to me either."

15 She doesn't see a vest. She doesn't see him with any
16 kind of identification that says he somehow has an official
17 responsibility there. She pulls out. He jumps in the front.
18 She takes off, and she happened to glaze him.

19 Now, her recollection is that he was going to stop her
20 from leaving the premises, no matter what. So her recollection
21 is that as she was pulling away, he went and jumped on her
22 hood, because according to the different testimony, he didn't
23 come out that far, but he was going to stop her, and folded his
24 arms, "You're not leaving, lady, if you've taken this dress."

25 But if you think through what happened here, not one

1 RONALD WILCOX,

2 having been first duly sworn,

3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BERNARDS-GOODMAN:

6 Q. Could you state your full name and spell it for us,
7 please.

8 A. Ronald G. Wilcox, R-o-n-a-l-d initial G. W-i-l-c-o-x.

9 Q. And where are you employed, Mr. Wilcox?

10 A. I am employed by the Church of Jesus Christ of Latter
11 Day Saints and work for Deseret Industry at 727 East 9400 South
12 in Sandy.

13 Q. Here in Salt Lake County?

14 A. Yes, ma'am.

15 Q. How many hours a week do you work?

16 A. Pardon?

17 Q. How many hours a week do you normally work?

18 A. Between 8 to 12 a day.

19 Q. Every day?

20 A. Uh-huh.

21 Q. Were you working on January 15th?

22 A. Yes, ma'am.

23 Q. Were you working around 5 o'clock on that day?

24 A. Yes, ma'am.

25 Q. Was that outside the normal hours that you work?

1 the end of the week, which is on a Wednesday, I'm the only one,
2 since it's closed bid, take the bids, go into a room, lock
3 myself, sort the bids out, and pick the winners, and then call
4 the following day.

5 Q. The winners would be the highest bidders?

6 A. Yes.

7 Q. Okay. Let's go back to January 15th. What brought to
8 your attention that the dress was missing?

9 A. I was walking past the bid area headed east about
10 midway in the area there, when a young woman come running up,
11 grabbed me by the arm, and kind of hysterically -- and I
12 couldn't make out for a minute what she was saying, but she
13 finally said, "A woman stole the wedding dress," and I couldn't
14 believe it, so I turned to face the bid area and the dress was
15 gone. I said, "Are you sure?" And she said, "Yes." And I
16 looked up and seen -- she pointed at the dressing area. I
17 looked up and this lady sitting over here with the blond hair
18 was walking out of the dressing room.

19 Q. Have you seen this lady before?

20 A. Yes, I have, in our store.

21 Q. And she is the one you saw coming out of the dressing
22 room that day?

23 A. Absolutely.

24 MS. BERNARDS-GOODMAN: Your Honor, may the record
25 reflect identification?

1 holding onto me.

2 Q. So you had asked for that information?

3 A. Yes, ma'am.

4 Q. Now, the information you received when asking those
5 questions made you think what?

6 A. There was no doubt in my mind that the wedding dress
7 had gone out the door with the woman sitting over there.

8 Q. As you observed the defendant leaving the store, what
9 did you see her wearing?

10 A. I seen a long coat on her, and I seen a greenish bag
11 under her arm.

12 Q. Can you describe the bag for me?

13 A. It was greenish in color and a small-type duffle bag,
14 and it was bulged like it had clothes inside of it.

15 Q. What did you do when you saw her leaving?

16 A. I asked the woman that had come up to me if she would
17 mind stepping out the door, because I did not want to confront
18 the lady without another woman present.

19 Q. Did she agree to do that with you?

20 A. She did. We stepped out the door. She had then made
21 it approximately about 10 feet, 15 feet out the door. I very
22 calmly said, "Ma'am," introduced myself, said, "I need to talk
23 to you. At which time she turned to face me, and then turned
24 and started running.

25 Q. Did you see her face at that point?

1 A. Yes, I seen -- it was a very scared look on her face.

2 Q. Did you see her eyes?

3 A. I seen her eyes, they became -- I would say hysterical
4 type eyes. I mean, they got huge.

5 Q. Did you think she saw you?

6 A. Oh, there's no doubt in my mind that she seen me. She
7 heard my voice, she seen my --

8 Q. What did she do at that point?

9 A. At that point she took off running. I have prosthesis
10 in my knee, and I'm on oxygen, so I cannot run. So I walked
11 down to the west end of the parking area down here, which you
12 can drive three cars out. She was in the parking at the very
13 far end of that. I walked up along the side of the cars.

14 At that point she had jumped in the car. I knocked
15 on the passenger's window and very nicely said, "Ma'am, I need
16 to speak to you," and at that time my badge was right in her
17 window.

18 Q. Did she look at you at that point?

19 A. Absolutely, yes, and at that time --

20 Q. Did she say anything to you at that time?

21 A. Not a thing. I just seen these eyes get bigger.

22 Q. Did you see her face?

23 A. Oh, you bet I did.

24 Q. She didn't say anything to you?

25 A. She didn't say one word, but her eyes got as big as

1 saucers.

2 Q. Let's talk a little bit about your physical condition.

3 You said you have a prosthetic knee. Is that with your knee --

4 A. I have a full prosthesis, which they've actually taken
5 the whole knee out.

6 Q. And you can't run?

7 A. No, I cannot run. Plus, during the procedure I threw
8 three blood clots and lost one lung. So I'm on oxygen also
9 through a trache.

10 Q. How did you do that to your knee?

11 A. I was trampled by a horse.

12 Q. How long have you had this prosthetic knee?

13 A. It's been three years now.

14 Q. Does that make it hard for you to work?

15 A. I do my job. Just can't run.

16 Q. Can you jump?

17 A. No.

18 Q. After you tapped on the window, what did the defendant
19 do?

20 A. She looked at me with one of the most scared looks
21 I've ever seen. As a matter of fact, I wake up every night
22 seeing them eyes. They were just big, huge black eyes looking
23 at me. At that point she put it in reverse and went screaming
24 backwards.

25 Q. Where did you go from that point?

1 A. I jumped against the car that was next to it.

2 Q. You jumped?

3 A. Yeah, what I call jumping. I fell, I should rather
4 state that. I fell towards the other car, thinking that she
5 had three lanes to go out, that she would just take off. My
6 main concern at that point was just write down the license
7 number and let her leave, and call the police department.

8 Q. Did you step away from that car?

9 A. I stepped away after I fell against it, and then I
10 moved back a ways. She came to --

11 Q. How far did you move away from that car?

12 A. Probably three feet.

13 Q. Which left you standing where?

14 A. Left me standing three feet into the lane, but she,
15 like I say, had three car lengths between me and her.

16 Q. Then what happened?

17 A. At that point, I looked up at her, raised my hand,
18 as to stop, and pointed at my red vest, and again she -- her
19 eyes got about this big, and I went -- I think I'm in trouble,
20 because her car, when she backed up, was like this facing me,
21 instead of turned where she could drive out. I thought well,
22 there's still not a big deal. She'll do this. Instead of
23 that, I heard her rev the engine. She come straight at me.

24 Q. Did she rev it before she started moving?

25 A. Pardon?

1 Q. Did the engine rev before --

2 A. Yes, she revved the engine before the car actually
3 moved. At that point I was in my mind trying to figure which
4 way to go. Before I could do anything, I looked up, the car
5 was upon me, and all I feel was the pain in my legs where she
6 hit me, and I do not remember anything except from what the
7 witnesses told me after everything was over again.

8 I came to. As I was running my hands down the hood,
9 I thought I was going to go underneath the car. At which time
10 I heard the engine rev again, and she hit me a second time. I
11 flipped to the side of the car and lay onto the pavement, and
12 she took off.

13 Q. When you were laying on the pavement, what did you do?

14 A. I yelled at the woman that had came with me to please
15 run and verify the license number, and to look in at her to
16 verify, and I laying on the ground called Sandy police, and
17 told them that I'd been hurt and I needed an officer quick.

18 Q. Did the lady that was out there with you get the
19 license plate number?

20 A. Yes, ma'am.

21 Q. What injuries have you sustained from this?

22 A. I have chipped my artificial knee. I have restricted
23 the blood flow in both legs. I have done damage to my neck to
24 where I have 24-hour headaches around the clock. I've been
25 under treatment since January 15th. I had an MRI two weeks ago,

1 but now they think there may be a blood clot.

2 MR. WALSH: Objection, hearsay.

3 THE COURT: Objection is to hearsay. It's sustained.

4 Q. BY MS. BERNARDS-GOODMAN: Did you bang your head?

5 A. Yes, I hit my head very hard on the hood.

6 Q. And you've had treatments for that since?

7 A. Yes, I have two more coming up.

8 Q. So you have more treatments?

9 A. Yeah, I'll have treatments for quite a long --

10 Q. What possible treatment might you need to have in the
11 future?

12 A. The one doctor told me that I will probably be in a
13 wheelchair.

14 MR. WALSH: Objection, hearsay.

15 THE COURT: The objection as to hearsay is sustained.
16 You can't tell us, sir, what somebody told you. You can tell
17 us what you believe your condition to be.

18 THE WITNESS: Oh, I'm sorry. I believe due to the
19 pain, because the pain is so severe -- when I go to bed, it's
20 twice as bad when I lay down -- that I will be in a wheelchair
21 within three to four months.

22 Q. BY MS. BERNARDS-GOODMAN: After you got off the ground,
23 where did you go?

24 A. I went immediately inside the building, notified --
25 went up to our office and paged all of our supervisors, and

1 they came up and the paramedics arrived. The paramedics said
2 they needed to take me to the hospital. I said I would call my
3 wife and have her take me. At that time the officers had been
4 there. I gave them the number. They had taken off. They came
5 back, I think, while the paramedics were there or very shortly
6 thereafter, and told me they had taken her into custody.

7 MR. WALSH: Objection.

8 THE COURT: Sustained.

9 Q. BY MS. BERNARDS-GOODMAN: Tell me, how long did it take
10 for the police to arrive?

11 A. Police officers were there within probably five to six
12 minutes from the time I placed the call.

13 Q. And then they left?

14 A. Right.

15 Q. Okay. After they received -- or you gave them certain
16 information?

17 A. Right.

18 Q. Did they come back?

19 A. Yes, they did. An officer came back and said that he
20 would like to take me --

21 MR. WALSH: Objection, hearsay.

22 Q. BY MS. BERNARDS-GOODMAN: When they came back --

23 A. Let me rephrase that.

24 Q. -- where did you go?

25 A. I went down to the police station, the Sandy police

1 Q. And the officer prepared a report.

2 MR. WALSH: May I approach, your Honor?

3 MS. BERNARDS-GOODMAN: Objection, your Honor, there's
4 no foundation.

5 THE COURT: Well, I don't know what we're going to be
6 doing with the report. Why don't you just examine the witness
7 regarding what occurred or transpired.

8 Q. BY MR. WALSH: Do you recall telling the officer in
9 the -- when he's preparing the report, the dress was found at
10 Deseret Industries on January 20th or 21st of 2000?

11 A. I can't swear to it, sir, because that's a long time
12 ago.

13 Q. Could have been?

14 A. I don't know, sir. Let me explain one thing. I have
15 been by a doctor -- two doctors now -- I have short memory loss
16 since this, and therefore I have a major problem remembering.

17 Q. Okay, I want to be really clear.

18 A. But if it's in writing, then it must be.

19 Q. Okay. What I'm hearing you tell me is that your
20 memory was before now than it was back on February 2.

21 A. My memory now is worse than it was.

22 Q. That's correct. So when you give a statement to the
23 police in February, first part of February, that probably was
24 more accurate than what you tell us today; is that a fair
25 statement?

1 Q. Right.

2 A. Absolutely.

3 Q. She told you that she saw Angela actually carry it
4 into the dressing room?

5 A. In the dressing room, watched it go from the floor up,
6 and come out with the bag, at which time she asked me to do
7 something.

8 Q. What I'd like to ask you to do for me, if you would,
9 sir, is get a different color of pen, and let's talk real
10 quickly about the car movement, about how she ran into you.
11 Could you do that for me, please.

12 A. Sure. She was parked right here, okay? She come
13 out the double doors. This is where I stepped out with the
14 witness, and very calmly I made the statement. She turned
15 around, she looked at me. I had my vest on. She took off --
16 turned around and took off running this way.

17 Knowing I could not run, I very calmly walked up like
18 this, knowing that we had three lanes coming up here, and this
19 was blocked off. There was no way of coming out. So I come up
20 to here, sir, and I come across the (inaudible) these cars, and
21 around to her side right here, and knocked on the window.

22 Q. Okay, stop. You go around her car --

23 A. I went up to the side, put me on the passenger's side.
24 She was in the car. I was at the passenger's side. I did not
25 go to her side.

1 Q. Okay. Then what happened?

2 A. At that point I knocked on the window and said,
3 "Ma'am --" with everything showing, and very calm, "Ma'am, I
4 just please need to talk to you. At which time she rammed it
5 in reverse, and she screamed backwards like this, which would
6 have killed somebody if they had been behind her.

7 I jumped over where these cars were right here. I
8 went like this, "Please stop. Please stop." Wasn't making
9 any gestures. I was trying to remain calm and cool, because I
10 didn't want any problems.

11 At that point I figured she was going to take off and
12 go out one of these three exits. So I was getting ready to
13 call the police department, because I wrote down the number.
14 Instead of that (inaudible) the only thing I see as she's
15 coming at me was two eyes about that big, sir, with the most
16 horrifying look I've ever seen. Be it a crazy look, a scared
17 look, I don't know, but I've woke up every night (inaudible)
18 nightmares.

19 The next thing I remember is her bumper hitting me
20 across my prosthesis (inaudible), and the pain was so severe I
21 do not remember anything else. I can tell you what the witness
22 told me afterwards.

23 Q. Now, that car that (inaudible), there's a car in that
24 slot, isn't there?

25 A. In the one next to it, yes, right there.

1 get a supervisor to take you upstairs personally.

2 Q. Let me show you here on the -- your diagram this area
3 right here. You don't have a section for women's dresses?

4 A. Yes, just normal dresses.

5 Q. Okay.

6 A. Yeah, (inaudible).

7 Q. Do you ever have any wedding dresses in that section?

8 A. No, our wedding dresses are held by Deborah, which is
9 a supervisor. She maintains it upstairs. She only brings them
10 down when a person asks for them.

11 Q. You've testified today that Angela was just really
12 frightened when you said you'd like to talk to her.

13 A. I said her eyes. I could not tell from her eyes --
14 they had got this black. I couldn't tell if she had flipped
15 out, if she -- what she was in. All I know is I have never
16 been so scared in my life. All I wanted to do is get out of
17 there. I didn't want to die.

18 Q. Okay, let me focus on that. All you wanted to do was
19 get out of there. You didn't want to die.

20 A. That's right.

21 Q. You told me there in your diagram that she hit you one
22 time.

23 A. Twice.

24 Q. I thought you told me she didn't back up.

25 A. I said, sir, she hit me the first time. I was knocked

1 A. Yes.

2 THE COURT: Well, let me refresh your memory, Counsel.

3 That's not the address. Was it at 727 East?

4 THE WITNESS: Yeah, 7th East.

5 THE COURT: And 9400 South?

6 THE WITNESS: Yeah, 7th East.

7 THE COURT: Okay, here we go. That's the same store
8 now.

9 Q. BY MS. BERNARDS-GOODMAN: Are you familiar with the bid
10 area in the store?

11 A. Yes.

12 Q. Did you go into that area that day?

13 A. Yes.

14 Q. Did you notice anything unusual in the bid area?

15 A. They just have everything from clothing to camera
16 equipment.

17 Q. Did you notice the wedding dress there that day?

18 A. Yes.

19 Q. Is this the dress?

20 A. Yes.

21 Q. Did you put a bid on that dress?

22 A. No, I did not.

23 Q. Were you interested in having the dress?

24 A. No.

25 Q. Okay. Not to be rude, but you know, petite sizes are

1 A. No, that day was the first time I've ever seen her.

2 Q. Do you know Ronald Wilcox?

3 A. No.

4 Q. You're not his friend or anything?

5 A. No, just met him that day.

6 Q. When you saw her behind you, what came to your
7 attention?

8 A. The wedding dress was in her hand, and the wedding
9 dress is only up for bid. The only way you can receive the
10 dress is if your bid -- if you have the highest bid, and they
11 call you to come in, and the bidding date was not closed on the
12 wedding dress.

13 Q. You said she had it in her hand. Would you show me
14 how it was.

15 THE COURT: Yes.

16 Q. BY MS. BERNARDS-GOODMAN: Did you say anything to her?

17 A. No, I did not.

18 Q. Was she holding anything else?

19 A. Not to my -- not that I saw. I just saw that dress in
20 her arms.

21 Q. Did you say anything to your husband?

22 A. I did. I just turned to him and said, "That's the
23 wedding dress we saw. She has it in her hand." He looked back
24 at her, and I think it startled her. She then started toward
25 the back of the store, just -- they have a lot of racks in the

1 middle of our store, and at this time she just was kind of
2 looking at clothes periodically and would look up at he and
3 I. I didn't say anything to anybody until we got to the cash
4 register. That's when I told the girl there what I saw and
5 what had happened.

6 Q. You saw her looking at other items?

7 A. Yes.

8 Q. Did she set the dress down?

9 A. No, she had it in her hand the whole time.

10 Q. Did you see her have anything else in her hands
11 besides this dress?

12 A. No.

13 Q. What did you tell the girl at the front?

14 A. I just said, "There was a wedding dress for bid. It's
15 not there anymore, and it was in the lady's hand behind me,"
16 and she just went for the back of the store. The girl then
17 asked me to go with her so I could point her out.

18 Q. And did you eventually find her?

19 A. We did. She -- we walked around the store, and as we
20 were coming around the store, which is also right by the exit,
21 she was coming out of the dressing room, and the dressing rooms
22 are located by the exit.

23 Q. Do you recall what she was wearing?

24 A. I don't recall what she was wearing.

25 Q. Was she carrying anything?

1 A. She then had a bag, a duffle bag in her hand.

2 Q. Do you remember what the duffle bag looked like?

3 A. It was blue. It was a duffle bag and zipper.

4 Q. You're showing us something that's probably about
5 two-and-a-half feet by one foot, probably?

6 A. Yeah, probably by about one-and-a-half or so.

7 Q. Could you tell if anything was in the bag?

8 A. It was full. I mean, you could tell that it was full.
9 You can tell when there's not something in the duffle bag, and
10 then when it's extremely full. It was extremely full.

11 Q. When did you first meet up with Mr. Wilcox?

12 A. He was on his way in the -- as you go out, there's
13 an entrance and an exit. He was coming in the entrance as she
14 was walking out the exit. I then proceeded to tell him the
15 story. He asked me to walk outside with him. That's the first
16 encounter I had with him, that I've ever met him.

17 Q. Did you see him speak with any other employees before
18 he went out?

19 A. Just the same girl that I talked to, that I was
20 talking to.

21 Q. As he went out -- did you go out with him?

22 A. I did, yes.

23 Q. Did you get outside the store?

24 A. Yes, we did.

25 Q. Did you hear Mr. Wilcox say anything?

1 A. He just asked me again what had happened. Just
2 pointing and asked me -- asked me to point her out.

3 Q. Did Mr. Wilcox say anything to the defendant?

4 A. He asked her to stop.

5 Q. Do you know exactly what he said?

6 A. He said, "Excuse me, ma'am. Ma'am." Then that's when
7 she got in her car. He kept --

8 Q. When he said, "Excuse me, ma'am" the first time, what
9 did she do?

10 A. She kind of glanced back. Not too much, but she
11 knew that we were talking to her, but didn't really want to
12 acknowledge it.

13 Q. And then she did what?

14 A. She got into her car.

15 Q. Where was her car parked?

16 A. It was parked in the parking lot. The parking lot
17 sits directly in front of the store.

18 Q. Was it in the first stall or --

19 A. No, her car was probably in the sixth stall, fifth or
20 sixth stall.

21 Q. What did Mr. Wilcox do when she took off for her car?

22 A. He tapped -- when she was in her car?

23 Q. Well, as she was going to her car, where is he?

24 A. He was behind her. He wasn't -- I mean, he can't walk
25 that fast. He obviously has an oxygen tank with him, and just

1 following her, just "Excuse me, ma'am." He really couldn't --
2 he was probably about eight feet behind her.

3 Q. When she got to the car, what did she do?

4 A. She got in her car and put the bag in the back seat of
5 her car.

6 Q. And how far was Mr. Wilcox at that point?

7 A. At that point he was -- when she shut her door he was
8 probably at the very front of her car.

9 Q. And where were you at that point?

10 A. I was right behind him.

11 Q. What did he do when she got in her car?

12 A. He tapped on her window and asked her to roll it down,
13 and said, "Ma'am, ma'am, I'd like to talk to you."

14 Q. How would you describe his tone of voice?

15 A. Um --

16 Q. Was it angry, threatening?

17 A. No. He's a friendly guy. He just said, "Ma'am, I'd
18 like to talk to you," pretty friendly. He didn't know for
19 sure. He was just going off of what I saw, what I said.

20 Q. Did you see Ms. Rasmussen's face?

21 A. Yes, I did.

22 Q. What was she looking at?

23 A. She was looking up at him, just scared.

24 Q. Was she talking?

25 A. No.

1 Q. What happened then?

2 A. She put her car in reverse, went into reverse. Ron
3 then stepped -- she went into reverse. Ron then stepped out in
4 front of her car, and --

5 Q. How many steps did he take?

6 A. How it's set up is there's two -- there's enough
7 room there that a car can -- both cars can be passing. She
8 backed up, so another -- I mean, she could have gone around
9 him. I don't -- from -- she could have gone around him, but
10 she didn't.

11 Q. So you said he stepped out, or you mean into the lane
12 of traffic?

13 A. Yes.

14 Q. How many steps do you think he took?

15 A. He probably took, from her car window, seven. Six or
16 seven.

17 Q. How far into the lane of traffic would you say he was?

18 A. He was directly in front of her car, which was in the
19 far lane.

20 Q. Did she have room to get around him?

21 A. Oh, yes.

22 Q. Did you think she was going to go around him?

23 A. Yes.

24 Q. What did you see her do?

25 A. She just ran right into him. He was holding up his

1 hands, saying to stop, and she just hit him.

2 Q. Where did her car make contact with him?

3 A. From his knees. Her bumper, her front bumper hit his
4 knees.

5 Q. What did he do at that time?

6 A. He fell over the top of her car.

7 Q. Did she stop or --

8 A. She kind of came to a stop. I think she realized what
9 she did. She didn't -- she then proceeded to go again a little
10 bit quicker. He then ended up on top of her car, and she kept
11 going straight. You have to make a left-hand turn to exit
12 Deseret Industries, and that's when he rolled off of her car.

13 Q. What did you do when you saw that car hit him?

14 A. The first -- I was kind of in shock, but when she went
15 to make a left-hand turn and he rolled off, I ran after her
16 car. I wasn't going to approach her, by all means. I just ran
17 after it to see what kind of make it was, her license plate
18 number, so I could report it to the police.

19 Q. Were you able to get the plate number?

20 A. Yes, I was.

21 Q. Did you provide that to the police?

22 A. Yes, Ron actually had a cell phone on him. When he
23 landed on the ground, he immediately picked it up and dialed
24 911.

25 Q. How long did it take the police to respond?

1 A. Probably ten minutes, if that.

2 Q. The woman that was in the car, is that the same woman
3 you saw in the store with the dress?

4 A. Yes.

5 Q. Did you formulate an opinion about whether or not this
6 was an accidental event or an intentional event?

7 A. Intentional.

8 MS. BERNARDS-GOODMAN: Your Honor, the State would move
9 for admission of State's Exhibit No. 1.

10 THE COURT: That being the dress?

11 MS. BERNARDS-GOODMAN: Yes.

12 THE COURT: Any further examination?

13 MS. BERNARDS-GOODMAN: No.

14 THE COURT: Any objection to 1?

15 MR. WALSH: No, your Honor.

16 THE COURT: Very well. It's received.

17 (Exhibit No. 1 received into evidence.)

18 THE COURT: You may cross examine.

19 CROSS EXAMINATION

20 BY MR. WALSH:

21 Q. Lindsay, as I understand your testimony, Ron came to
22 the driver's side of the car when he knocked on the window.

23 A. Yes.

24 Q. Is that correct? I'm a little confused then. Could I
25 have you kind of really quickly tell me what (inaudible) here

1 Q. I see, and how long did you wait in line before you
2 said to the person you reported the fact that she'd taken
3 something from the bid item area?

4 A. About three to five minutes. Three minutes.

5 Q. Do you recall telling us in the preliminary hearing it
6 was between eight and ten minutes?

7 A. No.

8 Q. Okay. So you lose eye contact with her, though; is
9 that a fair statement?

10 A. Yes.

11 Q. So you don't know where she went in D.I.; is that
12 correct?

13 A. No, she just headed -- the last time I saw her she
14 headed toward the back of the store. The last time I saw her
15 was toward the back of the store.

16 Q. Okay. Then you get up, when it's your turn in line,
17 and you mentioned, "Someone has just removed something from the
18 bid area," and you're invited to go with that person to point
19 her out?

20 A. Yes.

21 Q. And you go back to where you saw her, which was toward
22 the back of the store?

23 A. Yes.

24 Q. And you don't find her?

25 A. No.

1 Q. And the next time you see her is she's coming out of
2 the dressing room; is that correct?

3 A. Yes.

4 Q. And so you don't know if she took anything into the
5 dressing room, do you?

6 A. No.

7 Q. Specifically you didn't see her take that dress in the
8 dressing room?

9 A. No.

10 Q. Did you ever tell Ron that you saw her take that dress
11 into the dressing room?

12 A. No, I told him the last time I saw her she had the
13 dress in her hand.

14 Q. Okay, and as far as telling him that -- you said to
15 him, "I saw her take it into the dressing room," you never made
16 such a comment?

17 A. No.

18 Q. You say the bag is blue?

19 A. Yes.

20 Q. Sure about that?

21 A. Yes.

22 Q. When she's outside and Ron says to her whatever he
23 says, did she take off running?

24 A. No.

25 Q. She just proceeded to go about her business in a

1 A. The vehicle was registered to a Ms. Rasmussen out of
2 South Jordan.

3 Q. Did you eventually take a look at that car?

4 A. Yes, I did.

5 Q. Did you notice anything unusual about it?

6 A. Yes, I noticed a palm print on the front left-hand
7 side of the vehicle.

8 Q. Front left-hand side, what are you talking, on the --

9 A. On the hood.

10 Q. When did you see that car?

11 A. After Ms. Rasmussen had been brought to the office,
12 her husband had came to pick her up and I observed the vehicle.

13 Q. Ms. Rasmussen was at the police station for a while?

14 A. Yes, she was.

15 Q. While she was there, did Mr. Wilcox take a look at
16 her?

17 A. Yes, he did.

18 Q. And did he identify her?

19 A. Yes, he did.

20 Q. Did he have any problem with that identification?

21 A. No, he did not.

22 Q. Now, you've been in the store?

23 A. Yes.

24 Q. Did you check out the video situation in the store?

25 A. Yes.

1 one hand print.

2 Q. And you have to look at your report to remember? Do
3 you remember independent of looking at the report?

4 A. Yes, I do, but I just wanted to clarify.

5 Q. Do you recall where the hand print was on the car?

6 A. Yes.

7 Q. On the hood, and what part of the hood?

8 A. On the front left side of the hood.

9 Q. So it would be the driver's left?

10 A. If you were looking at the vehicle, standing at the
11 hood, it would be on the front left side. The passenger's side
12 of the vehicle.

13 Q. The passenger's side?

14 A. Yes, sir.

15 Q. And was it a large print?

16 A. It appeared to be fairly large, yes.

17 Q. And can you describe how it faced? Was it faced
18 fingers in towards the driver or fingers out towards the
19 headlights?

20 A. To the best of my recollection it was towards the
21 windshield. The fingers were towards the windshield.

22 Q. Was the day of the event a rainy day; do you remember?

23 A. I cannot -- do not recall that.

24 Q. When you went in and you interviewed witnesses, did
25 any of them tell you that they saw Angela take the dress

1 Q. And they said, "Look anywhere you want to look,"
2 didn't they?

3 A. No.

4 Q. What did they say?

5 A. I requested to look in the garage and in the car, and
6 they said, "Yes."

7 Q. Okay. Everywhere you asked to look, they said, "Sure,
8 go ahead"?

9 A. No.

10 Q. Oh, did they decline you looking somewhere?

11 A. Consent was not given for the residence.

12 Q. Did you ask to see the residence?

13 A. I did.

14 Q. What did they say?

15 A. They said, "No, not without a warrant."

16 Q. Did they say they wanted to speak to their attorney?

17 A. Not to me, no.

18 Q. Had it been raining that day?

19 A. I don't recall.

20 Q. You said that there was dust or dirt or hand prints on
21 the hood.

22 A. Right.

23 Q. Was it wet? Had it been wet?

24 A. I don't believe so, no.

25 Q. Did you observe any dents in the car at all?

1 A. I'm assigned to Crimes Against Person Investigation
2 Unit.

3 Q. Were you assigned to the robbery that occurred on
4 January 15th at the Deseret Industries?

5 A. Yes, I was.

6 Q. And you took a report when the dress was found; is
7 that correct?

8 A. Yes, I did.

9 Q. How many days after the incident was the dress found?

10 A. I received a phone call between the 21st and the 1st day
11 -- the 21st of January through the 1st day of February, stating
12 that the dress had been found. I made several attempts to
13 return the phone call to Mr. Wilcox. Was unable to catch him.
14 On the last day of the -- the 1st day of February, I responded,
15 got a hold of him, was able to receive the dress, and then I
16 interviewed him at that time about the dress.

17 Q. And that's the dress that you received?

18 A. That's correct.

19 Q. Were you shown where that dress was found?

20 A. Yes, I was.

21 Q. Where was it found?

22 A. It was found in the bid section of Deseret Industries.
23 The bid section is sectioned off with tables, and it was under
24 the edge of the table, and to the customer's side.

25 Q. Would it have been difficult to see?

1 Q. You're the defendant in this case; is that correct?

2 A. I am.

3 Q. Do you recall the day of January 15th of the year 2000?

4 A. I do.

5 Q. Do you recall going out to the Deseret Industries on
6 that day?

7 A. Yes, I was shopping at Deseret Industries.

8 Q. Okay. What time of day was it?

9 A. About 5, 4:30, 5.

10 Q. Okay. Do you know where you'd been prior to going to
11 this particular Deseret Industries?

12 A. Well, on Saturdays, since it's my day off from work, I
13 usually go to a fabric store on 7th East, and D.I., and another
14 -- a fabric store, and another store near the D.I.

15 Q. Do you recall being at the Deseret Industries on 9400
16 South and 7th East on that day?

17 A. Yes, I do.

18 Q. Do you remember what the weather was like?

19 A. I really don't.

20 Q. Fair. Can I have you step down and diagram what you
21 did on that day?

22 (Due to this witness' soft voice and standing away
23 from the microphone at the white board, much of her
24 testimony is inaudible.)

25 A. Sure. Okay, this is (inaudible). The parking lot is

1 premises?

2 A. (Inaudible) where the registers are there's no posted
3 for entrance doors, and there's two registers (inaudible) kind
4 of by people, and so I moved here and --

5 MS. BERNARDS-GOODMAN: Your Honor, I'm going to object.
6 We're going on a narrative here.

7 THE COURT: Well, we are, Counsel. Let's proceed by
8 question and answer.

9 Q. BY MR. WALSH: So you get in the door. You're beyond
10 the -- I guess it's the black tread area there where you enter
11 the store. Tell me where you went once you entered the store,
12 please.

13 A. I walked forward. There's an isle here, and right in
14 the middle of the registers is the bid section.

15 Q. Okay, and did you go over to the bid section?

16 A. Well, I was coming in, and I looked into the bid
17 section and saw a wedding dress, and it was hung up.

18 Q. Okay, and you saw that as you came in the store?

19 A. I came in, and I usually --

20 THE COURT: Okay, ma'am. The question was did you see
21 the dress when you came in the store.

22 THE WITNESS: I saw the dress.

23 THE COURT: When you came in the store?

24 THE WITNESS: When I came in the store.

25 THE COURT: Okay. Next question.

1 Q. BY MR. WALSH: Okay, and then what did you do after
2 that, once you saw the dress?

3 A. I went and proceeded into the bid section.

4 Q. Okay.

5 A. Looked at the dress and realized it didn't have a big
6 tag on it.

7 Q. Okay. Let me stop you there. Exhibit 1 has some tag
8 on it; does it not?

9 A. Yes.

10 Q. What's this tag here?

11 A. It's a tag that shows that it's a brand new dress that
12 came from (inaudible). Then there was the size. I think it
13 was -- oh, yes, size 8, I remember. Size 8.

14 Q. Okay, and what is it that it doesn't have that you're
15 curious about?

16 A. Every item in the bid section has a slip that says the
17 name of the item on the minimum bid, and then if you want to
18 make a bid, you give your name, your address and your phone
19 number. Then there's a date that the bid closes.

20 Q. Okay. So what didn't this have, specifically?

21 A. It didn't have a bid slip.

22 Q. Okay. So what did you do at that point?

23 A. Well, I wanted to know what the minimum bid would be
24 because I thought my daughter was getting married and --

25 THE COURT: I think, Counsel, we're again getting

1 somewhat beyond. Ma'am you have to listen to the question.
2 The question was, "What did you do?" It wasn't what you're
3 daughter is going to do or anything else. Listen to the
4 question and answer the question only.

5 THE WITNESS: Okay.

6 THE COURT: All right. Go ahead.

7 Q. BY MR. WALSH: Okay. So what did you do after you
8 noticed it didn't have the paperwork you told us about?

9 A. I took the dress to the cashier station. I stood
10 right here to this cashier.

11 Q. Okay.

12 A. And there was several people in line.

13 Q. Okay. So what did you do then?

14 A. I wanted to ask the cashier what the minimum bid would
15 be, and when they would be putting or if they would --

16 Q. Okay. Let me stop you for a second. What were you
17 wearing at the time?

18 A. What am I wearing?

19 Q. Yeah. Are you wearing a big, heavy coat?

20 A. No, I always on Saturdays, I usually wear Levis and a
21 sweatshirt.

22 Q. Okay. This was January, mid-January. Wouldn't you
23 wear a big coat?

24 A. No, I don't have a big, long coat; besides (inaudible)
25 that kind of thing.

1 Q. Okay. Did you have a purse that day?

2 A. Yes, I did, and my purse is (inaudible).

3 Q. Did you bring your purse with you today?

4 A. I did.

5 MR. WALSH: May I approach?

6 THE COURT: You may. Are you through with the diagram
7 area there, Counsel?

8 MR. WALSH: Okay. I'll be going back to it.

9 Q. BY MR. WALSH: Why don't you go back and sit down for
10 a minute. Okay. I asked you, "Did you have a purse?" and you
11 said, "Yes." Can you tell me what the blue thing is on the top
12 of the counter?

13 A. It's just a bag that I had. I call it a purse, but it
14 is, I guess, a bag.

15 Q. Okay, and are there things in the bag today?

16 A. Yes, they are. The things that are in the bag today
17 are as is best as I can recall, things that I had at the time
18 that you're talking about, January 15th. I have a wallet and
19 brush and lotion.

20 Q. Are these the things --

21 A. That kind of thing.

22 Q. Let me stop you. Are these the things that you would
23 have had on the day in question?

24 A. Yes.

25 Q. Okay, and would you --

1 at this point?

2 A. It's still over my shoulder.

3 Q. And what have you done with the purse at this point?

4 A. Still there.

5 Q. Okay. So you go look through the women's section, and
6 show us there, if you can quickly, what pattern you took, if
7 you can remember.

8 A. (Inaudible), and then I went to the blouses and I
9 didn't see anything, and then they have a rack of blazers and
10 things here. Then over here, I always check the vests because
11 I like vests. I know I probably did that day.

12 Q. Okay, and do you -- let me stop you. Is there some
13 point when you put the dress down?

14 A. Not at this point.

15 Q. Okay. Tell me where you put it down, then, as best
16 you can recall.

17 A. The best I can recall is I was right up here, and
18 there is a rack of formal like dresses that you wear to
19 homecoming, and the kids --

20 Q. Okay. So you get to that particular point, and is
21 that when you lay the dress down?

22 A. No, but at that point I remember - just looking at
23 those dresses, it distracted me, and then I think to look at
24 the dress.

25 Q. Okay. So what did you do then?

1 A. Picked it up off my arm, and I looked at it, and I
2 -- what had attracted me to the dress is the beading and the
3 shoulders, but then I looked -- size 8.

4 Q. Okay.

5 A. My daughter is size 6.

6 Q. Okay. So you --

7 A. And I knew it was too big.

8 Q. Okay. So then what did you do at that point?

9 A. Then I -- to the best of my recollection I think I
10 left that dress with the formal dresses.

11 Q. Okay.

12 A. I just laid it there.

13 Q. Okay.

14 A. Then I went --

15 Q. Show me on the diagram where you went, please.

16 A. If I recall correctly, right in the back of this
17 section is the furniture --

18 Q. Okay.

19 A. (Inaudible) then over here, and all really quite fast,
20 because I wanted to get out of there and --

21 THE COURT: What is the question pending?

22 MR. WALSH: Where did she go after that.

23 THE COURT: All right. Tell us where you went, ma'am.

24 THE WITNESS: The furniture.

25 Q. BY MR. WALSH: Okay, and how long were you in

1 Q. Okay, and then what did you do?

2 A. Then right over here are the dressing rooms.

3 Q. Okay.

4 A. And I had looked at the pants in the women's section,
5 and I remembered a purple pair of pants I might be interested
6 in.

7 Q. Okay. So what did you do?

8 A. So I (inaudible).

9 Q. Did you go up to that section and get the purple
10 pants?

11 A. It was over in here in the women's section.

12 Q. Right, and did you go over there and get the purple
13 pants?

14 A. Did I go --

15 THE COURT: She said she hadn't, Counsel.

16 THE WITNESS: Before I got to the dressing room, I
17 had the purple pants actually when I was meandering here is
18 where --

19 Q. BY MR. WALSH: Okay. So what did you do, then, after
20 you meandered through the men's section?

21 A. Then I went into the dressing room.

22 Q. Okay, and what purpose were you going into the
23 dressing room?

24 A. To try the pants on.

25 Q. Okay. Did you try them on?

1 A. Yes, and I didn't like them.

2 Q. You put the pants on that table?

3 A. So right out here is where you (inaudible) a rack, on
4 that rack right here.

5 Q. You put the pants on that table?

6 A. It's not a table. It's a rack. On that rack

7 Q. Okay, and then what happened then? What did you do
8 then?

9 A. Then I left the store.

10 Q. Okay. Now, when you left the store, what did you have
11 on your person?

12 A. My purse.

13 Q. Okay, and that's the blue purse you brought here today
14 with the items we've talked about; is that a fair statement?

15 A. This is the bag.

16 Q. Okay, and so what happened after you left the store?

17 A. Well, I walked right here, and I thought, oh, no, I
18 forgot (inaudible) inside.

19 Q. Okay.

20 A. So I proceeded to go and kind of meandering through
21 the isles.

22 Q. Okay.

23 A. Then I think I was about there.

24 Q. And then what happened? What happened there?

25 A. Then as I turned around, I see a tall, really tall,

1 gray haired, angry -- it looked like an angry expression on a
2 man's face.

3 Q. Okay.

4 A. He appeared to be going the same direction I was
5 going.

6 Q. Okay. Did he say anything to you?

7 A. I didn't hear him say anything, no.

8 Q. Okay. So then what happened after that?

9 A. So I was a little intimidated. So I really thought
10 maybe I better hurry and get to my car.

11 Q. Okay. Now, I understood that you arrived at the
12 Deseret Industries around 4:30, 5 o'clock. What time is it now
13 that you're getting in the car?

14 A. I probably came at (inaudible).

15 Q. Okay. So what time would it be now?

16 A. Oh, 5.

17 Q. Okay, 5 o'clock. What did you do when you got in the
18 car?

19 A. I locked the doors.

20 Q. Why did you lock the doors?

21 A. Because I've just had experiences (inaudible) I was
22 uncomfortable with some strange, tall -- to me what looked --

23 Q. Okay. Did you perceive he was following you as you
24 got closer to the car?

25 A. No, I was just going to make sure I was going to be

1 safe if he were a threat.

2 Q. Okay. What happened then after you got in the car and
3 you locked the doors?

4 A. I locked the doors. At that point (inaudible) on the
5 passenger -- or the driver's side where I was, here was this
6 same guy.

7 Q. Okay.

8 A. And he's pounding on my window.

9 Q. Okay.

10 A. At that point when I saw him pounding on my window,
11 and I was really scared.

12 Q. Okay.

13 A. Very panicked.

14 Q. Okay. So what did you do?

15 A. So I just decided, well, I better -- I didn't know
16 what was going on or what his intent would be. I just seen
17 him look angry at me and pounding on my window, and I was
18 (inaudible), because I didn't know what in the world was
19 happening. So I --

20 Q. Let me stop you there. Did he say anything to you?

21 A. I don't recall him saying anything.

22 Q. Do you recall saying anything to him?

23 A. I didn't say anything to him. I just remember
24 thinking or saying out loud to myself, "Please go away."

25 Q. Okay. So what did you do?

1 A. So then I (inaudible) the car and went straight
2 forward and then stopped.

3 Q. Okay. Why did you stop?

4 A. Well, (inaudible) was turning this way, and then
5 proceeded out the driveway out.

6 Q. Okay.

7 A. So when I turned around, and I was facing the street.
8 There was a man -- that same man was sitting on my car. He's
9 sitting on my car on top of the hood real close to the driver's
10 seat, with his arms like this, like "What are you going to do?"

11 Q. Okay.

12 A. At this point I was just terrified. I thought what in
13 the world could this be? Why is he doing this? I'm scared.
14 At this time I was really, really frightened.

15 Q. Okay. So what did you do?

16 A. So I knew he was on my hood.

17 Q. Okay.

18 A. He went like that to me, and I thought -- the first
19 thing that came to my mind was I don't want to hurt him.

20 Q. My question to you, ma'am, is what did you do?

21 A. What did I do?

22 Q. Yes.

23 A. I slowly moved forward, but fast enough that he went
24 off my car feet first. I did not look back to see anything.
25 Then I remember driving home, thinking I never thought I was

1 (inaudible).

2 Q. Go and have a seat, please. I want to talk to you,
3 ma'am, about an area that I know is really uncomfortable for
4 you, but I want you to tell the jury why you are so paranoid.

5 A. Why I am so paranoid?

6 Q. Yes, tell me why.

7 A. Well, I'm very anxious and fearful -- I wouldn't say
8 paranoid -- because I've had a history of abusive kinds of
9 situations happening to me.

10 Q. I want to go over this real quickly, but tell me what
11 has occurred that makes you so intimidated in life.

12 MS. BERNARDS-GOODMAN: Your Honor, I'm going to object
13 to this line of questioning. I don't know that this has any
14 relevance, your Honor, if she's had bad experiences. This
15 is -- there is no point in this, other than to try to gain
16 sympathy.

17 THE COURT: I'm inclined to agree, Counsel. She's told
18 us that she is in her explanation more sensitive than others.
19 So I think that we needn't now delve into personal affairs that
20 occurred in her life on prior occasions. Objection sustained.

21 MR. WALSH: Is it the Court's ruling that I couldn't
22 get into a specific event?

23 THE COURT: Exactly.

24 Q. BY MR. WALSH: Did you strike Mr. Wilcox with your car
25 ever?

1 A. No.

2 Q. Okay. Did anybody come to the door later that
3 evening?

4 A. Yes.

5 Q. Okay. When did someone come to the door?

6 A. It seems like it was about 10 minutes after I got
7 home.

8 Q. Okay. Who came to the door?

9 A. The policemen.

10 Q. Okay. Have you seen the same policemen here today
11 that came then?

12 A. I think they probably were the same, but I don't know.
13 I don't know if they were the same, but they were policemen
14 from South Jordan, and I just remember being so shocked.

15 Q. Okay. Why were you so shocked?

16 A. Because I didn't know why they were there.

17 Q. Okay, and did they ask to look through your home?

18 A. No, they said they had got a phone call from Sandy
19 that said that I took a dress.

20 Q. Okay, and that's what they said that they were there
21 for?

22 A. Uh-huh.

23 Q. Okay, and so how long were they there?

24 A. Probably about 15 minutes, and then another officer
25 from Sandy came.

1 Q. Okay. Did they ask to look through your home, any of
2 the officers?

3 A. Yes, but by this time my husband came in.

4 Q. Okay. When did your husband arrive?

5 A. Just after the policemen from South Jordan entered the
6 house.

7 Q. Okay, and did you invite them to look through your
8 home?

9 A. Yes. In fact, Thayne and I both said, "Go ahead,
10 check everything," and I remember my husband saying to the
11 officers, "Go ahead, check the house."

12 Q. Now, you heard the officer this afternoon say that you
13 declined him looking through the house.

14 A. Yes, I did.

15 Q. You heard him say that today?

16 A. I did.

17 Q. And is that what happened then?

18 A. That's not what I recall. I remember Thayne saying
19 to them, "Go ahead, search anything. We're more than happy.
20 There is nothing here to warrant any kind of anxiety on our
21 part."

22 Q. And did they --

23 A. Except that they were there. I knew that they were
24 looking for something that I was supposed to have taken.

25 Q. I see, and did they in fact conduct a search of your

1 home?

2 A. I remember I stayed in the living room, and they did
3 go through the garage.

4 Q. Okay.

5 A. But I didn't see what they did.

6 Q. I see. You just stayed in the living room?

7 A. I just stayed in the living room.

8 Q. All right. Did they ask you if you took the dress
9 then?

10 A. I think that's exactly what they said at the very
11 first. They said that someone had called -- the South Jordan
12 police said someone had called and said I had taken a dress
13 from D.I.

14 Q. Okay. Let me go back to one point here. When you and
15 Ron Wilcox are in the parking lot, did he come off of your car
16 feet first?

17 A. I am not sure. All I know is he rolled off my car,
18 and it was feet first. I don't know if he landed on the ground
19 with his feet, but yes, feet first.

20 MR. WALSH: He went feet first. No further questions,
21 your Honor.

22 THE COURT: All right. You may cross examine.

23 CROSS EXAMINATION

24 BY MS. BERNARDS-GOODMAN:

25 Q. You've shown us some slots -- I mean, parking stalls

1 (Jury exits the courtroom.)

2 THE COURT: The jury has now left the courtroom.

3 The defendant and both counsel are present. I advised you,
4 Mr. Walsh that at the conclusion of the State's case, that your
5 position with regards to your anticipated motion is preserved.

6 I assume that you intended to make a motion at that
7 time, and for the reason that the State has failed to meet its
8 burden of proof to establish your client's guilt. Is that a
9 fair statement?

10 MR. WALSH: That's fair.

11 THE COURT: I would of course deny the motion, and I
12 will do so at this time, as if it were properly made at that
13 time.

14 MR. WALSH: Very well.

15 THE COURT: I believe that there has been at least an
16 issue of fact ready for the jury's determination. Otherwise,
17 folks, we'll be in recess until 9 o'clock in the morning. You
18 can make your closing statements at that time. Thank you.

19 (Trial adjourned to July 19, 2000)

20

21

22

23

24

25

1 has proved to you. Under the State of Utah -- this is
2 instruction No. 19. Sorry, I should have given you those
3 numbers - a person who commits robbery is that person who
4 intentionally or knowingly uses force or fear of immediate
5 force against another in the course of committing a theft.

6 Now, in Utah there is a few types of robbery. One of
7 them is where you go in and say, "I'm going to kill you if you
8 don't give me money right now," and they hand over the money,
9 like a bank robbery. Another kind is when you commit a theft,
10 like a shoplift, and then you use force against somebody else
11 during that theft. That's the kind of robbery we have here.

12 There's an elements instruction -- that's No. 26 --
13 which tells you what the State has to prove. That on the 15th
14 day of January -- we've had testimony about that from every
15 witness that the State provided -- the defendant -- she was
16 identified by both Ronald Wilcox and by Angela -- excuse me,
17 by Lindsay, our third party witness -- she intentionally or
18 knowingly used force or fear in the course of committing the
19 theft.

20 Now, we have a definition of what theft is. A retail
21 theft -- No. 19-A -- is knowingly taking possession, stealing,
22 carrying away, transferring, cause to be carried away or
23 transferred any merchandise, display (inaudible) office, store
24 or retail establishment. The State has proven that by both
25 direct and circumstantial evidence. I'll go over that in my

1 final closing.

2 A theft has occurred here. There's no doubt about the
3 force that's occurred here. You've heard the testimony of both
4 Lindsay and Mr. Wilcox that the defendant looked him in the
5 eyes and intentionally ran into him with the car. There
6 is no doubt about that.

7 It has to be committed during the course of committing
8 a theft. The course of committing a theft includes giving
9 flight or attempt of flight (inaudible). It occurred while she
10 was leaving the theft.

11 Finally, another thing I wanted to discuss with you.
12 While flight alone doesn't mean somebody has committed a crime,
13 it is something you can look at, and it does contribute to the
14 factors that you look at, and that is something you are allowed
15 to consider. We'll discuss that also when I come back. When
16 we see discuss the evidence the State has shown to you, when I
17 come back, I'll be asking you to go in and deliberate and come
18 up with a guilty verdict.

19 THE COURT: All right, thank you, Ms. Bernards-Goodman.
20 Mr. Walsh.

21 MR. WALSH: Ladies and gentlemen of the jury, as
22 Counsel has already told you, we only talk to you once. The
23 reason why that is so is because a reasonable doubt is just
24 that; a reasonable doubt. It's not just a reasonable doubt;
25 it's beyond a reasonable doubt.

1 store and do what needs to be done, and that's to make sure
2 that dress isn't in the store.

3 Ron told you what happened to him. It chipped his
4 prosthetic knee. A prosthetic knee is metal. That's going to
5 take a lot of force to chip a metal knee. Force like a car
6 hitting him straight on. That's injury right at the front of
7 you. He injured his head. He was telling you about that.
8 He's had to have an MRI.

9 He's not telling you about the bruises that went away
10 in a couple of weeks. He's telling you about the injuries that
11 he's afraid might kill him. Last time he had surgery he blew a
12 lung and a half. If he has to go through it again, he's afraid
13 he's going to be dead. He's telling you about the injuries
14 that he's concerned about, not about bruises.

15 We heard about one print on the car. Well, we heard
16 that print was smeared like somebody was falling off that car.
17 It's on the hood. You don't just get hit by the side of the
18 car and get your print on the back hood smeared with your hand
19 facing the windshield.

20 We only have one print on that car because Ron is in
21 the habit of holding his oxygen in his other hand. If he
22 doesn't have his oxygen with him, he would be dead. So he's
23 holding onto that with his other hand.

24 Lindsay told you that he got hit and then the car
25 hesitated, slowed down. As Ron said, stopped. Then it went

1 ahead and went forward anyway, throwing him up onto the car.

2 So if you want to call that one hit or two hits, it's not an
3 element of the crime. The fact of the matter is she hit him
4 intentionally with her car.

5 I don't remember all of the officers saying that they
6 had told her not to go to D.I. One officer testified that,
7 "Well, yeah, that's the kind of thing we say (inaudible), but
8 I don't remember seeing that for sure."

9 We didn't hear any testimony about four brand new
10 cameras. This camera system is old and decrepit. There's one
11 that covers the floor, one camera, and it goes out from here.
12 It doesn't go all the way over there, and it doesn't get all
13 the way across here.

14 I don't know if you've ever seen video surveillance
15 cameras, but they're crappy. Only the latest state of the art
16 ones, where you've got several cameras and cameras in the glass
17 pillars and stuff like that, only those type of cameras will
18 give you the type of picture that you can get an identification
19 from.

20 The rest of them are there so that people look at
21 them and think, "Oh, I better not do anything because there's
22 a camera on me." People don't realize that cameras don't cover
23 everything, and they don't get a good picture." The officer
24 looked. He went up that day and he looked at four quadrants,
25 four tiny, little quadrants. He couldn't see anything.

Tab 3

PRIVATE

STATE OF UTAH
ADULT PROBATION AND PAROLE
REGION III OFFICE
36 West Fremont Ave.
Salt Lake City, Utah 84101
Telephone: 239-2103

PRESENTENCE INVESTIGATION REPORT

Date Due: 08-29-00
Sentencing Date: 09-01-00

JUDGE J. DENNIS FREDERICK THIRD DISTRICT COURT

SALT LAKE SALT LAKE UTAH
(CITY) (COUNTY)

ADAM LEWIS INVESTIGATOR

NAME: RASMUSSEN, ANGELA BROWN	COURT CASE NO: 001902957
ALIASES: NONE	OBSCIS NO: 00140960
ADDRESS: 9553 MISTY OAK CIR.	CO-DEFENDANTS: NONE
SOUTH JORDAN, UTAH	OFFENSE: ROBBERY, FELONY II
BIRTHDATE: 11-03-48 AGE: 51	
BIRTHPLACE: KLAMMATH FALLS, OR	PLEA: GUILTY BY JURY DATE: 07-19-00
LEGAL RESIDENCE: UTAH	PROS. ATTORNEY: K. BERNARDS-GOODMAN
MARITAL STATUS: MARRIED	DEF. ATTORNEY: JOHN WALSH

PAGE 2
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

PLEA BARGAIN:

The defendant was found guilty as charged to Robbery, a Second Degree Felony.

SOURCE OF INFORMATION:

Salt Lake District Attorney records; Court docket

OFFICIAL VERSION OF OFFENSE:

The following is taken from the Sandy City Police Department report, regarding the offense which occurred on January 15, 2000:

Ronald Wilcox, an employee of Deseret Industries, informed Officer Arnold he had been hit multiple times by the defendant when she tried to flee the store after attempting to steal a wedding dress. He stated he was walking through the store when one of the customers advised him the defendant had just stolen the dress. He then exited the store and approached the defendant as she was attempting to leave the scene in her vehicle. Mr. Wilcox knocked on the defendant's car window, at which time she looked at him with "death in her eyes." The defendant then placed the vehicle in reverse and pulled away. She then drove forward at a high rate of speed, and in the process, struck Mr. Wilcox in the right leg below his knee. The impact caused Mr. Wilcox to land on the hood of the defendant's vehicle. The defendant then stopped, causing Mr. Wilcox to fall from the vehicle. While the defendant was pulling away, Mr. Wilcox was struck a second time and again landed on the hood of the vehicle. Mr. Wilcox then fell off the vehicle as the defendant pulled out of the parking lot. During that time, Mr. Wilcox was able to obtain the defendant's license plate number. He stated he saw the defendant carrying a blue bag which appeared to contain a wedding dress. Mr. Wilcox complained of a sore right leg and stated he was losing feeling in his right foot.

Lindsay Waldron, who was a witness and customer at the store, stated she observed the defendant in the "bid section." She stated the defendant removed a wedding dress from the section and later left the store carrying a blue bag. She also witnessed the defendant hit Mr. Wilcox with her vehicle. She stated the defendant saw Mr. Wilcox in front of her vehicle and believed she intentionally hit him.

Officers responded to the defendant's residence and took her into custody. When officers initially arrived at the residence, they looked inside the garage and observed the door to the defendant's vehicle was open. They obtained consent to search the garage, but by that time the door was closed. The wedding dress was not located. Mr. Wilcox positively identified the defendant at the Sandy City Police station.

PAGE 3
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

OFFICIAL VERSION OF OFFENSE: (Continued)

Detective Soper advised the defendant of her Miranda rights, and she informed him she wanted to speak with an attorney.

On February 1, 2000, Ron Wilcox informed Detective Soper the wedding dress had been returned to the store. A customer tripped over the dress, which was laying on the floor. The dress had been turned inside out and rolled up into a ball.

SOURCE OF INFORMATION:

Sandy City Police Department report, Case #00-517

DEFENDANT'S VERSION OF OFFENSE:

During the course of her presentence interview, the defendant was asked to provide her own version of the present offense. She stated she was looking at wedding dresses at Deseret Industries, as her daughter was engaged to be married. She stated she was waiting in line to inquire the "minimum bid" of the dress. She stated the line was quite long, so she decided to purchase some other items. She then set the dress down because she realized it was the wrong size. She stated she left the store without any merchandise. On the way to her car, she noticed a man was following her. She stated she "felt threatened" by the man due to the fact he "had an angry look on his face." She stated she was unaware the man was an employee of Deseret Industries. The defendant stated she got in her car and locked all of the doors. After the man pounded on the window, she became frightened and felt he wanted to harm her. She advised she was assaulted by a man previously, which caused her to feel her safety was in jeopardy. The defendant backed out her vehicle, after which time the man "climbed on the hood." She stated she then stopped her vehicle and the man "slid off feet first."

The defendant stated she had no intention of harming the victim and was not aware she hit him with her vehicle prior to the time he climbed on the hood. When speaking about the incident, the defendant became very emotional and advised she has never harmed anyone in her life. She stated she has shoplifted merchandise in the past, but has always returned it because she "wanted to get caught." She pointed out the wedding dress she was accused of taking was later found inside Deseret Industries.

SOURCE OF INFORMATION:

The defendant

PAGE 4
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

CO-DEFENDANT STATUS:

There are no co-defendants associated with this offense.

SOURCE OF INFORMATION:

Sandy City Police Department report, Case #00-517

VICTIM IMPACT STATEMENT:

Telephone contact was established with Ron Wilcox, victim of the present offense. Mr. Wilcox stated he suffers from permanent back problems, constant headaches and numbness in his legs as a result the injuries he incurred. He stated Workman's Compensation has paid all his medical expenses, with the exception of those for his multiple visits to a chiropractor. He has submitted a claim with Medicaid, but has not yet been informed whether the claim will be approved. To date, Mr. Wilcox has incurred \$650 in lost wages. He advised he is under the care of various specialists who are attempting to determine the extent of his injuries. He advised his doctors feel he may end up depending on a wheelchair.

Although he suffered extensive injuries as a result of the present offense, Mr. Wilcox expressed empathy for the defendant. He stated the defendant appeared to be afraid of him when he confronted her. He believes the defendant likely suffers from an "illness" which has resulted in a propensity for shoplifting. In regard to sentencing, Mr. Wilcox does not feel incarceration is appropriate. He feels a term of probation coupled with intensive counseling is in order. Mr. Wilcox intends to attend the defendant's sentencing, at which time he would like to address the Court.

SOURCE OF INFORMATION:

Ron Wilcox, victim of the present offense

RESTITUTION:

<u>COURT CASE #</u>	<u>COUNT #</u>	<u>VICTIM</u>	<u>AMOUNT</u>
001902957	I	Ron Wilcox	\$650.00 (lost wages)

Note: Restitution in this case will be ongoing, as defendant will require ongoing medical treatment. The above figure reflects the victim's financial losses to date. The victim was advised assistance may be available through Crime Victim Reparations. No claims have been filed to date.

PAGE 5
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

SOURCE OF INFORMATION:

Ron Wilcox, victim of the present offense.

CUSTODY STATUS:

The defendant was initially booked into the Salt Lake County Jail for the present offense on February 26, 2000, and released to the supervision of Pre-Trial Services the same day. After the defendant was found guilty by a jury on July 19, 2000, she was remanded to the custody of the Salt Lake County Jail pending sentencing. Therefore, she will have served a total of 43 days in jail when sentenced on September 1, 2000.

SOURCE OF INFORMATION:

Salt Lake County Jail records (SO# 243694)

LAW ENFORCEMENT STATEMENT:

Telephone contact was established with Detective Mark Soper of the Sandy City Police Department. Detective Soper expressed concern over the defendant's history of shoplifting and failure to accept responsibility for her actions. He advised the defendant was untruthful during the trial in claiming she told officers they could search her entire house, when in fact she demanded a search warrant if they wanted to search anywhere other than the garage. Detective Soper stated the defendant is suspected of shoplifting from several stores in the Sandy area, although she has not been charged. He advised the defendant is referred to as the "zipper thief" by many retailers, as zippers are frequently left behind at the businesses from which she is suspected of shoplifting. In regard to sentencing, Detective Soper suggested the defendant serve a substantial amount of jail time followed by a term of formal probation.

SOURCE OF INFORMATION:

Detective Mark Soper

JUVENILE RECORD:

A juvenile history regarding the defendant is not available as she was raised outside of the State of Utah. The defendant denied having any juvenile criminal history.

PAGE 6
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

SOURCE OF INFORMATION:

The defendant

ADULT RECORD:

<u>DATE</u>	<u>AGENCY</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
04-04-87	WVC PD, UT	Citation- Retail Theft	Disposition not reported
02-04-95	Sandy PD, UT	Citation- Retail Theft	Convicted- 6 months Court probation, \$175 fine
03-14-98	W Jordan PD, UT	Citation- Retail Theft	Convicted- 6 months Court probation, \$150 fine
12-16-99	WVC PD, UT	Citation- Retail Theft (Court Case #991105004)	Plea in abeyance
02-26-00	SL Co. Sheriff, UT	WA-Robbery	Present Offense
07-19-00	SL Co. Sheriff, UT	WA-Robbery	Present Offense (Remanded to jail after jury verdict)

SOURCE OF INFORMATION:

UBCI# 283954; FBI# 446527XA3; Salt Lake County Jail records (SO# 243694); Court dockets

PENDING CASES:

It does not appear any additional criminal matters are currently pending against the defendant.

SOURCE OF INFORMATION:

UBCI# 283954; FBI# 446527XA3; Salt Lake County Jail records (SO# 243694); Court dockets

PAGE 7
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

PROBATION/PAROLE HISTORY:

The defendant possesses no history of formal supervision.

SOURCE OF INFORMATION:

UBCI# 283954; FBI# 446527XA3; Salt Lake County Jail records (SO# 243694)

BACKGROUND AND PRESENT LIVING SITUATION:

Angela B. Rasmussen was born in Klamath Falls, Oregon to Claudia and LaFarr Brown. She is the oldest of four children born to Claudia and LaFarr. The defendant was raised in a middle income socioeconomic environment in which her father was employed as a carpet and tile layer and her mother worked as a bookkeeper. She reported she got along with her mother, but had a strained relationship with her father due to sexual abuse he inflicted upon her during her early upbringing.

When the defendant was 12-months of age, her family relocated to Twin Falls, Idaho. She remained in Idaho until the age of 13, at which time her family moved to Woodland, California. The defendant spent the remainder of her youth in California, then moved to Utah to attend college. She lived on campus at Brigham Young University for five years. The defendant married Thayne Rasmussen, with whom she shares four children, in 1972. The defendant has lived with her husband at their current residence in South Jordan, Utah for eight years. Two of her sons also reside in the home.

SOURCE OF INFORMATION:

The defendant

MARITAL HISTORY:

The defendant married Thayne Rasmussen in 1972. She shares four children, ages 21, 23, 24 and 26, in common with her husband. The defendant's husband suffered a heart attack last year, after which time he received a triple bypass. She stated her husband has remained very supportive and expressed concern over the fact she is unable to provide for his medical needs.

SOURCE OF INFORMATION:

The defendant

PAGE 8
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

EDUCATION:

The defendant reported she graduated from Woodland High School, Woodland, California, in 1967. She went on to obtain an undergraduate degree through Brigham Young University in 1972. She stated she completed 60 hours of graduate work, which she would like to continue at some point in the future.

SOURCE OF INFORMATION:

The defendant

GANG AFFILIATIONS:

The defendant has never been affiliated with any gang.

SOURCE OF INFORMATION:

Salt Lake Metro Gang Project records; The defendant

PHYSICAL HEALTH:

The defendant stated she developed anorexia and bulimia at the age of 35. She was hospitalized for a month as a result of the disorders 13 years ago at LDS Hospital. She stated she still suffers from episodes of bulimia. The defendant is currently prescribed Fosamax to prevent osteoporosis. She stated she has been prescribed medication for high blood pressure since she was remanded to jail after she was found guilty of the present offense.

SOURCE OF INFORMATION:

The defendant

MENTAL HEALTH:

The defendant became involved in individual therapy after she developed anorexia at the age of 35. She stated she was involved in counseling for four years, but it was ineffective. After the defendant was cited for shoplifting approximately four years ago, she became involved in individual counseling with Lynn Johnson, a private therapist. She stated she was involved in counseling with Dr. Johnson "off and on" until 1998.

PAGE 9
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

MENTAL HEALTH: (Continued)

After the defendant's husband had a heart attack in June of 1999, the defendant became involved in individual therapy with Dr. Lane Smith. She reported Dr. Smith prescribes her Klonopin, Dexadrine and Efexor, but she has not taken the medications since she was remanded to jail.

The defendant reported she has never attempted suicide or been a victim of physical abuse. She stated she suffered sexual abuse at the hands of her father between the ages of four and eight. Upon her release from confinement, the defendant plans to continue participating in counseling as directed by Dr. Smith.

Telephone contact was established with Dr. Lane Smith, the defendant's therapist. Dr. Smith stated the defendant has always confessed any wrongdoing on her part. He advised the defendant suffers from kleptomania, but has always taken merchandise back to the businesses from which she has shoplifted. He stated the defendant was confronting this issue in therapy prior to being remanded to jail for the present offense. Dr. Smith was pleased with the defendant's progress and expressed concern her current circumstances have been detrimental. He advised anxiety is a major source of the defendant's problems, which he intends to further address after she is released from confinement. He believes the defendant's history of being victimized by men is also of issue and has created a significant level fear and mistrust on her part. He does not believe the defendant presents a threat for violence or serious harm to the community. Dr. Smith intends to be involved in a minimum of weekly sessions with the defendant once she is released from confinement. He also intends to advise the defendant to continue taking the medication she was previously prescribed. Dr. Smith submitted a letter regarding the defendant, a copy of which is attached to this report.

SOURCE OF INFORMATION:

The defendant; Dr. Lane Smith

ALCOHOL HISTORY:

The defendant reported she has never consumed alcohol.

SOURCE OF INFORMATION:

The defendant

PAGE 10
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

DRUG HISTORY:

The defendant denies having any history of illicit drug use.

SOURCE OF INFORMATION:

The defendant

EMPLOYMENT HISTORY:

The defendant's Social Security Number is 553-72-9576

<u>EMPLOYER</u>	<u>WAGE</u>	<u>TITLE</u>	<u>START/END</u>	<u>REASON FOR LEAVING</u>
Granite School District	\$2600/month	Teacher	1987/02-00	Terminated due to present offense

Prior to becoming an elementary school teacher, the defendant taught piano lessons out of her home while she was raising her children.

SOURCE OF INFORMATION:

The defendant

FINANCIAL SITUATION:

The defendant currently possesses no source of income. She stated her husband receives \$1500 per month in retirement benefits. She reported her home is valued at approximately \$190,000, and the mortgage will be paid off in five years. She stated she was uncertain of specific details regarding her other financial status. She stated her family is currently relying upon savings to survive. She stated her husband will not be able to return to work due to his medical problems.

SOURCE OF INFORMATION:

The defendant

MILITARY RECORD:

The defendant has never served in any branch of the military.

SOURCE OF INFORMATION:

The defendant

COLLATERAL CONTACTS:

Collateral Contact #1: Telephone contact was established with Thayne Rasmussen, the defendant's husband, who verified the information contained in this report. Mr. Rasmussen stated he has depended on the defendant since he suffered from a heart attack last year. He stated the defendant has been the "sole breadwinner" due to his medical problems. He stated the defendant has a great deal of support, although the present offense has been emotionally devastating to their youngest son. He stated their son has abused alcohol and attempted suicide since the defendant was arrested for the present offense.

Mr. Rasmussen feels the medication prescribed by the defendant's current therapist has been beneficial and reduced her level of anxiety. He does not believe the counseling she received prior to becoming involved in therapy with Dr. Smith was of benefit. He believes the defendant is prepared to comply with any Court orders and recommended treatment. He stated his brother will provide the defendant with temporary employment as a secretary once she is released from confinement. He believes this will be of benefit to the defendant and provide her with needed focus. Mr. Rasmussen hopes the Court will elect to place the defendant on probation in lieu of further confinement. He plans to attend the defendant's sentencing. Mr. Rasmussen submitted a letter on the defendant's behalf, a copy of which is attached to this report.

Collateral Contact #2: Telephone contact was established with John Walsh, the defendant's attorney. Mr. Walsh advised he has spoken at length with Dr. Lane Smith, the defendant's therapist. He believes outpatient counseling which focuses on the defendant's emotional issues in addition to a term of formal probation is appropriate. He does not feel further jail time will serve a useful purpose. He pointed out the defendant has a great deal of support from her family and surrounding community, who will provide her with any needed assistance.

PAGE 12
PRESENTENCE INVESTIGATION REPORT
RASMUSSEN, ANGELA BROWN

COLLATERAL CONTACTS: (Continued)

Collateral Contact #3: Telephone contact was established with Deputy District Attorney Katie Bernards-Goodman. Ms. Bernards-Goodman expressed concern over the defendant's history of shoplifting and her failure to acknowledge her culpability in this case. She stated the defendant was clearly aware she hit the victim with her vehicle. In view of these factors and the extent of the victim's injuries, Ms. Bernards-Goodman believes further jail time followed by a term of formal probation is in order.

Letters were received from the following individuals, copies of which are attached to this report:

Gary Johnson, the defendant's bishop
Randy T. Austin, a friend and neighbor of the defendant
Lyle Rasmussen, the defendant's brother-in-law
Claudia Brown, the defendant's mother
Carolyn Hurst, a friend of the defendant
Marvin E. Allen, a friend of the defendant
Cynthia Goates, a friend and neighbor of the defendant
Lisa Cousin, a friend of the defendant
Sue Barrett, a friend and neighbor of the defendant
Bob and Cathie McCann, friends and neighbors of the defendant
Laurence and Shawna Dunn, friends of the defendant
Cindy Horrocks, a friend and neighbor of the defendant

Jason Maxwell, a friend and neighbor of the defendant
Bob and Cathie McCann, friends and neighbors of the defendant
Vicki Stith, a friend and neighbor of the defendant

EVALUATIVE SUMMARY:

Appearing before the Court for sentencing is Angela Rasmussen, a 51-year-old female who was found guilty of Robbery, a Second Degree Felony. This offense occurred on January 15, 2000, when a customer at Deseret Industries reported the defendant had taken a wedding dress from the store. The victim, an employee on duty at the store, followed the defendant, who was in the process of leaving the scene in her vehicle. The victim knocked on the defendant's car window, at which time she backed up. The defendant then placed the vehicle in drive and struck the victim's right leg in the process.

EVALUATIVE SUMMARY: (Continued)

The impact caused the victim to land on the hood of the vehicle. The defendant stopped, which caused the victim to fall off the hood. While the defendant was pulling out of the parking lot, she struck the victim with her vehicle a second time. The defendant was later apprehended at her residence.

The defendant was raised in a middle income socioeconomic environment. She reported she suffered sexual abuse at the hands of her father during her early upbringing. Issues surrounding the abuse later carried into the defendant's adult life. The defendant has lived in Utah since the age of 18, and has been married to her husband, with whom she shares four children, since 1972. She began suffering from eating disorders several years ago and has been involved in counseling with various therapists since that time. The defendant was a school teacher with the Granite School District for 13 years, but her employment was terminated as a result of the present offense. She has lived with her husband at her current residence in South Jordan for eight years. Two of her children also live at home. It appears the defendant has a great deal of support from her family and members of her community. Her family has remained supportive, although the present offense has created a great deal of emotional strain. The defendant has provided the only source of income in the family since her husband suffered a heart attack last year.

The defendant's criminal history consists of multiple citations for Retail Theft and the present offense. She has completed terms of Court probation on two occasions, but has never been placed on formal supervision. The defendant most recently entered a plea in abeyance last year to Retail Theft, a Class B Misdemeanor, in Third District Court.

The defendant has been prescribed psychotropic medications by her current therapist for approximately nine months, but reported she has not taken the medications since she was remanded to jail. There is no indication the defendant has ever suffered from problems associated with substance abuse. It appears the defendant has not fully addressed issues surrounding her past, which may partially account for her history of emotional problems.

In regard to the present offense, the defendant stated she left Deseret Industries without any merchandise. She stated she was unaware she struck the victim with her vehicle. She stated the victim fell off the vehicle "feet first" when she stopped. She stated she became frightened when the victim followed her, as she was previously assaulted by a male. She stated she had no intention of harming the victim.

EVALUATIVE SUMMARY: (Continued)

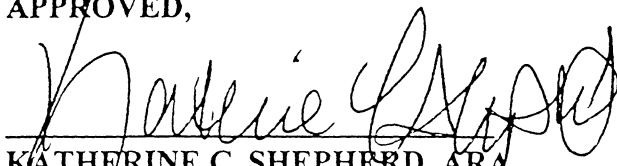
As a result of the present offense, the victim sustained multiple injuries for which he will receive ongoing medical treatment. His injuries resulted in long term back problems, constant headaches and numbness in his legs, which has required him to take extended leave from work; however, the victim expressed empathy for the defendant and does not feel long term incarceration is appropriate, although he is under the impression she is in need of intensive counseling.

Despite her denial of culpability, the defendant must understand she now stands convicted of a violent offense and come to terms with the consequences which follow. Although the level of the defendant's intent may be unclear, her actions resulted in substantial injuries to the victim. The defendant has participated in deceptive behavior in the past, but has continued to engage in such conduct despite being convicted of offenses involving retail theft on multiple occasions.

The defendant clearly has extensive needs which need to be further examined and addressed in a therapeutic setting. A term of formal probation in addition to intensive counseling would be of benefit to the defendant; however, in view of the nature of the present offense and subsequent damages incurred by the victim, further punitive measures are considered necessary to assure she is held appropriately accountable for her conduct. With this in mind, the following recommendation is respectfully submitted to the Court.

RESPECTFULLY SUBMITTED,
ADAM LEWIS
INVESTIGATOR

APPROVED,


KATHERINE C. SHEPHERD, ARA
COURT SERVICES UNIT

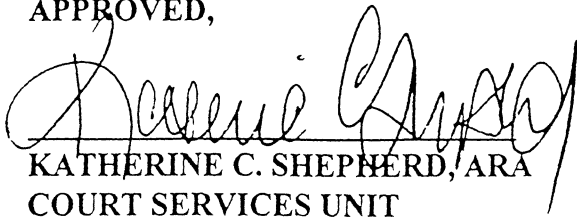
AGENCY RECOMMENDATION

It is respectfully recommended by the staff of Court Services. Adult Probation and Parole, the defendant be placed on probation under the following conditions:

1. The defendant serve 120 days in jail, with no credit for time served;
2. The defendant pay restitution as outlined, in addition to any further medical expenses incurred by the victim or Crime Victim Reparations;
3. The defendant continue participating in her current counseling, comply with any treatment recommendations of her current therapist, and provide monthly progress reports to her probation officer;
4. The defendant participate in theft and/or cognitive restructuring counseling through a provider approved by Adult Probation and Parole;
5. The defendant be prohibited from having any contact with Ron Wilcox, victim of the present offense;
6. The defendant be prohibited from entering any Deseret Industries store;
7. The defendant write a letter of apology to the victim (the letter should be submitted to her probation officer for review prior to being forwarded to the victim);
8. The defendant take all medication as required for control of her mental health problems.

RESPECTFULLY SUBMITTED,
ADAM LEWIS
INVESTIGATOR

APPROVED,


KATHERINE C. SHEPHERD, ARA
COURT SERVICES UNIT

Tab 4

Incident Number: 00-517
 Type: Robbery Case Number: _____ Image: _____
 Address: 727 E 9400 S Area: 4S117 Sandy Zone 117
 City: Sandy St: UT Zip: 84094 Contact: _____
 Complainant: 94996 -----+
 Name: Wilcox Fst: Ronald Mid: G
 DOB: 09/15/1938 SSN: 529-46-0717 Adr: 397 W Harvard Dr
 City: W Sx: M Tel: (801)561-1088 Cty: Midvale St: UT Zip: 84047
 -----+
 Offense Codes: RBOW _____ Reported: _____ Observed: RBOW
 Circumstances: LT08 _____
 Assigning Officers: tarnold mhopkins
 Assigning Officer: _____ Agency: SAN CAD Call ID: _____
 Received By: tarnold Last RadLog: _____
 How Received: P In Person Clearance: _____
 When Reported: 17:11:00 01/15/2000 Disposition: ACT Disp Date: 01/15/2000
 Time between: 17:05:00 01/15/2000 Judicial Sts: _____
 and: 17:11:00 01/15/2000 Misc Entry: 4122

 Narrative: _____
 Comment: (See below) + (See below) + &

MOVEMENTS:

Record #	Date	Description	Relationship
97112	/ /	Redgers, Dona O	Witness
17981	/ /	Deseret Industries,	Victim
60782	/ /	Rasmussen, Angela Brown	Suspect
94996	/ /	Wilcox, Ronald G	*Complainant
94996	/ /	Wilcox, Ronald G	Victim
95896	/ /	Waldron, Lindsay Bills	Witness
32717	/ /	BLU 91 MERC TRACER UT	Suspect
15	/ /	DA Case cover sheet	ADULT-A B Rasmussen
20	/ /	Witness Statement	Wilcox, Ronald G
20	/ /	Witness Statement	Waldron, Lindsay B
36	/ /	Photographs	Suspect-A Rasmussen
47	/ /	Copies Sent To:	DETS/Screen 1/17 RY
54327	/ /	WHI 17 Clothes Wedding Dr \$500	Stolen
54328	/ /	51 Fingerprint Latents \$0	Evidence
54327	/ /	wedding dress	*Evidence Incident
54328	/ /	fingerprint	*Evidence Incident

Incident Offenses Detail:

Offense Codes

Code	Amount
RBOW Robbery, Other weapon	0.00

an Incident Circumstances.

Contributing Circumstances

eg Code	Comments
1 LT08	Department/Discount Store

AW Incident Responders Detail

Responding Officers

eg Name	Unit
---------	------

1 tarnold

2 mhopkins

Officer Name & Id: TArnold 4347

Date/Time: Sat Jan 15 18:37:48 MST 2000

Case Number: 00-517

Initial Case Narrative

CLASSIFICATION:

Subcategory

NOPSIS:

Ronald Wilcox reported Angela Rasmussen hit him several times with her vehicle while she was attempting to flee after committing a theft. Angela was located at her residence in South Jordan and taken into custody.

DESCRIPTION:

Ronald Wilcox, who is an employee at Deseret Industries, stated on January 15, 2000 at about 1700 hours he was walking through the store when he was confronted by one of the customers that a female had just stolen a wedding dress.

Ronald exited the business with the witness (later known as Lindsay Aldron) and approached a white female who was attempting to leave in a white Mercury Tracer. Ronald approached the vehicle, which was being driven by Angela Rasmussen, and knocked on the front passenger's window. When Ronald knocked on the window, Angela looked straight at him and she had "death in her eyes". Angela then put the vehicle in reverse and backed out very fast. Angela then looked at Ronald and then placed the vehicle in drive and drove right at Ronald "at a high rate of speed". Angela's vehicle then struck Ronald in the right leg, just below the knee. The impact then caused Ronald to land on the hood of the vehicle.

Angela then stopped, which caused Ronald to fall from the vehicle. Angela then pulled forward again and struck Ronald a second time. Ronald landed on the hood of the vehicle, and then fell off as Angela drove to the parking lot.

Ronald stated he "thought she was going to kill me", when asked if he thought Angela intended to hit him with the vehicle. Ronald was able to obtain the license plate of Utah 702ZXS. Ronald also described the suspect (Angela) as a white female, who was about 5'03" and was slender built.

Ronald stated he did see Angela carrying a blue bag from the store, which appeared to be a dress in it.

Angela Rasmussen, who was a witness and a customer at the time of the incident, stated on 011500 she was inside the Deseret Industries in Sandy City. Lindsay stated she was shopping in the "bid section" of the store when she noticed a white wedding dress on a hanger.

Lindsay approached the cash register to ask if she could place a bid on the dress, but when she turned around she noticed a white female standing behind her with the dress in her hand (the female was Angela). Lindsay immediately told her husband that Angela should not have the dress, because it was not for sale. Angela overheard Lindsay, and turned around and started to walk towards the back of the store.

Lindsay approached a sales person and informed them she had just seen Angela take a "bid" item to the back of the store. Lindsay and Ronald started to walk towards the back of the store when they noticed Angela leaving the store with a blue bag that was "stuffed". Lindsay did not call seeing Angela with a bag prior to her walking towards the back of the store.

Ronald and Lindsay approached Angela's vehicle and Ronald "tapped" on Angela's window and asked her to stop. Angela put the vehicle in reverse and started to back out of the parking lot. Ronald stood in front of the vehicle (the area Angela had just left) and told her to stop. Angela then "put her car in drive and ran into him (Ronald), causing Ronald to slip onto the hood of her car. "He (Ron) kept yelling stop, but she wouldn't". "She (Angela) proceeded to turn out of the parking aisle, and he fell off".

Lindsay stated she knew Angela had seen Ronald in front of her, and believed that Angela intentionally hit Ronald with her vehicle.

Angela Rasmussen did not give a statement, because she invoked her Miranda Rights at 1857 hours on 011500.

PHYSICAL DESCRIPTION:

Ronald and Lindsay both described the suspect as an "older" white female with white hair. Both parties stated she was 5'03"- 5'05" inches and had a very slender build.

Both parties stated the plate on the vehicle driven by the suspect was Utah 702ZXS. The license plate they observed returned to a 1991 Mercury car, which is registered to Angela Rasmussen at 9553 S Misty Oaks Cir South Jordan.

The vehicle that was described in the incident was later driven to the police station by Angela Rasmussen's husband.

INJURIES:

Ronald complained of a soar right leg at initial contact. Ronald stated during his interview that he was losing feeling in his right foot and wanted to be seen by medical personnel. Ronald refused to be transported, but was going to seek medical attention later.

DISPOSITION:

At 1845 hours Ronald and Angela were both taken to the police station.

Angela looked through the window or a door into a room, where he stated "yes that's her". When asked if he was positive Ronald replied "yes for sure".

REMARKS:

The suspect (Angela) intentionally or knowingly used a deadly weapon against another in the course of committing a theft. (76-6-301, 76-6-302)

EVIDENCE:

When contact was made with Angela's husband at the police station I observed a fresh hand print on the hood of the vehicle he was driving. This is the same vehicle that was used in the incident. The hand print is obviously new, because the rest of the vehicle had dirt marks on it, which appeared to be the result of rain. The hand print had no dirt marks, and the paint under the print was clearly visible.

The hand print was large in nature and was smeared towards the palm side. The hand appeared to have slid from the vehicle.

I attempted to lift latent prints from the vehicle, and booked a fingerprint card containing three prints on it. (4347-1 00-517).

The print on the vehicle could not be photographed, because of the lighting conditions and the surface of the vehicle.

The dress Angela was accused of taking was never located.

OFFICER ACTIONS:

After taking Ronald and Lindsay's written statements I advised dispatch to have South Jordan Police respond to the Rasmussen home and detain Angela.

When South Jordan arrived at the home they looked inside the garage and observed the suspect vehicle parked in the garage with one of the doors open. They approached the house and asked consent to search the vehicle for the dress. Angela consented to the search, but when they went into the garage the door on the vehicle had already been closed. South Jordan was not able to locate the wedding dress, and did not ask for it's whereabouts during their contact with Angela.

Officer Hopkins then responded to South Jordan and took Angela into custody without incident. Angela was then transported to Sandy Police Station to be questioned.

At 1856 hours on 011500 I contacted Angela in one of the interview rooms at the police station. I read Angela her Miranda Rights and she stated she had a friend who was a lawyer and that she wanted to talk to him (at 1857 hours). I then took Angela's personal information (name, address, birthday, etc.) and left the room.

Officer Hopkins returned to the interview room and informed Angela she needed to be fingerprinted and photographed. Angela was then informed she was being charged with Aggravated Robbery screened against her, which is a 3rd Degree Felony.

going home with her husband for the evening.

DETECTIVE NOTICE:

Detective Soper was contacted several times during the incident. He was contacted once statements were obtained from Ronald and Lindsay and again after Angela was released.

Detective Soper requested this case be active to him for screening of charges.

CASE DISPOSITION:

This case is active to Detective Soper for screening of charges with the District Attorney.

Officer Name & Id: M. Hopkins #197 Date/Time: Sat Jan 15 19:47:42 MST 2000
Case Number: 00-517

Case Follow-up

I assisted Officer Arnold on this case by responding to the suspect's address in South Jordan. Upon my arrival, South Jordan P.D. was on scene and speaking with the suspect and her husband. One officer explained to me before I entered the residence that when they arrived they looked into the garage window. They said when they looked in, the vehicle was in the garage, and the passenger door was open. They did not see anyone in the garage however. Once they knocked on the door, it took the suspect, what seemed to them to be a long time to answer the door. Once they went in, they requested and received permission from the suspect to look in her car and garage. When they entered the garage from the house, they noticed the car door was now shut.

They could not locate the stolen dress anywhere in the garage. I also requested permission to look when I arrived, and was also successful in locating the dress. I noticed however on the hood of the car in dust were multiple hand prints, which were large, and looked as if the car had been moving when the prints were left.

I then took Angela, the suspect, into custody and transported her to the Sandy P.D. Upon arrival here, she was placed in a holding cell, and identified by the victim. The victim, Ron, upon looking at her, took approximately 2 seconds, and then said, "that's her." Officer Arnold asked, "are you absolutely sure?" Ron replied, "yes sir." The suspect was then turned over to Officer Arnold for the interview.

Officer Name & Id: Det Soper Date/Time: Tue Feb 1 08:31:58 MST 2000
Case Number: 00-517

Case Follow-up

01/2000

When checking the criminal history of Angela B Rasmussen I found her to be arrested for retail theft several times. I obtained two separate convictions from West Jordan Justice Court and one conviction from Sandy Justice Court. All three convictions are for retail theft. Attached are the certified copies of the court documents.

I received a phone call from Ronald Wilcox at the Deseret Industries. He stated they found the wedding dress which was taken by the suspect.

o ten times a day. He said the wedding dress had to be brought back into the store. I obtained a written statement from a customer who tripped over the dress while it was on the floor. The customer's name is Annette Stoddard. I also received a written statement from employee Dona Redgers. Dona was with Annette when she found the dress. Dona said the dress was turned inside out and rolled up in a ball. Both witness statements are attached to this report. I booked the dress from the Deseret Industries into evidence. The dress was found at the Deseret Industries on January 20 or 21, 2000.

This case is active to me for screening of charges against Angela Smussen.

R: _____ OFFICER/ID: _____ DATE: _____

T/ID APPROVAL: _____ DATE: _____

ast: Redgers	Fst: Dona	Mid: O
addr: 1222 Gaylene Cir		Prev:
ity: Sandy	St: UT Zip: 84094	
ceased: / /	Alias For:	
Personal Identification		
J Numbr:	Name Typ: INDIV	SSN: 528-32-0162
J State:	Class:	Image:
ome Tel: (801)561-0607		Local ID:
ork Tel: () -		State ID:
		FBI Number:
Physical Description		
DOB: 03/20/1930	yrs Eyes: BRO Brown	Cmplxn:
Race: W White	Glasses:	Speech:
Sex: F Female	Hair: GRY Gray	Teeth:
ight: 5'08" cm	Hstyle:	Build:
ight: 170lbs kg	Beard:	Ethnic:
aits	SMT:	/ /
:		
ert Codes:		
Comments:		
Premis:	Xtra:	Visited Inmates: Had Visitors:

= = = = =

ast: Wilcox Fst: Ronald Mid: G
addr: 397 W Harvard Dr Prev: 727 E 9400 S
ity: Midvale St: UT Zip: 84047 Sandy UT 84070
ceased: / / Alias For:

Personal Identification
J Numbr: Name Typ: INDIV SSN: 529-46-0717
J State: Class: Image: Local ID:
ome Tel: (801)561-1088 State ID:
ork Tel: (801)255-2899 FBI Number:

Physical Description
DOB: 09/15/1938 yrs Eyes: BLU Blue Cmplxn:
Race: W White Glasses: Speech:
Sex: M Male Hair: BRO Brown Teeth:
Height: 6'01" cm Hstyle: Build:
Weight: 185lbs kg Beard: Ethnic:
raits SMT: / /

ert Codes:
Comments:
Premis: Xtra: Visited Inmates: Had Visitors:

= = = = =

ne history:

Previous Name/Address History							
<u>Joined</u>	<u>Address</u>	<u>City</u>	<u>St</u>	<u>Zip</u>	<u>Last Name</u>	<u>First</u>	<u>M</u>
15/2000	727 E 9400 S	Sandy	UT	84070	Wilcox	Ronald	G

ast: Wilcox Fst: Ronald Mid: G
addr: 397 W Harvard Dr Prev: 727 E 9400 S
ity: Midvale St: UT Zip: 84047 Sandy UT 84070
ceased: / / Alias For:

Personal Identification

Numbr: Name Typ: INDIV SSN: 529-46-0717
State: Class: Image: Local ID:
ome Tel: (801)561-1088 State ID:
ork Tel: (801)255-2899 FBI Number:

Physical Description

DOB: 09/15/1938 yrs Eyes: BLU Blue Cmplxn:
Race: W White Glasses: Speech:
Sex: M Male Hair: BRO Brown Teeth:
ight: 6'01" cm Hstyle: Build:
ight: 185lbs kg Beard: Ethnic:
aits SMT: / /

:
ert Codes:

Comments:

Premis: Xtra: Visited Inmates: Had Visitors:

= = = = =

ne history:

Previous Name/Address History

<u>ired</u>	<u>Address</u>	<u>City</u>	<u>St</u>	<u>Zip</u>	<u>Last Name</u>	<u>First</u>	<u>M</u>
15/2000	727 E 9400 S	Sandy	UT	84070	Wilcox	Ronald	G

License Plate: 702ZXS State: UT Vehicle Year: 1991 Image:
License Type: PC Private Car/Truck/M Make: MERC Mercury
Expires: 06/30/1999 Model: TRACER
VIN: 3MAPM10J9MR671528 Color: BLU /
VIN Valid: (ignore if veh year <1981) Doors: 4
Vehicle Type: PCAR Passenger Car Value: 0.00
Characteristics:

- Owner: 60782 -----
Lst: Rasmussen Fst: Angela Mid: Brown
DOB: 11/03/1949 SSN: 553-72-9576 Adr: 9553 S Misty Oaks Cir
Rac: W Sx: F Femal(801)254-9028 Cty: South Jordan St: UT Zip: 84095

Agency: SAN Sandy City Police Date Recov/Rcvd: / /
Officer: rstevens Area:
UCR Status: Wrecker Service:
Local Status: RBO Retained By Owner Storage Location:
Status Date: 01/04/1999 Date Released: / /
Local ID: CAS 99-112 Dhist: &
Comments:

= = = = =

Local identification detail:

	Local ID	ID
1 CAS Case Number		99-112

Vehicle History Detail Screen:

Vehicle Number: 32717 History Added: 14:26:53 01/17/2000

License Plate: 702ZXS State: UT Vehicle Year: 1991
License Type: PC Private Car/Truck/M Make: MERC Mercury
Expires: 06/30/1999 Model: TRACER
VIN: 3MAPM10J9MR671528 Color: BLU /
Doors: 4
Vehicle Type: PCAR Passenger Car Value: 0.00

Owner: 60782 -----+
Lst: Rasmussen Fst: Angela Mid: Brown
DOB: 11/03/1949 SSN: 553-72-9576 Adr: 9553 S Misty Oaks Cir
Rac: W Sx: F Femal(801)254-9028 Cty: South Jordan St: UT Zip: 84095

-----+
Agency: SAN Sandy City Police Date Recov/Rcvd: / /
Officer: rstevens Area:
CR Status: Wrecker Service:
Local Status: Storage Location:
Status Date: 01/04/1999 Date Released: / /

History Added: 14:14:30 01/07/1999

License Plate: 702ZXS State: UT Vehicle Year: 1991
License Type: PC Private Car/Truck/M Make: MERC Mercury
Expires: 06/30/1999 Model: TRACER
VIN: 3MAPM10J9MR671528 Color: BLU /
Doors: 4
Vehicle Type: PCAR Passenger Car Value: 0.00

Owner: 60782 -----
Lst: Rasmussen Fst: Angela Mid: Brown
DOB: 11/03/1949 SSN: 553-72-9576 Adr: 9553 S Misty Oaks Cir
Rac: W Sx: F Femal(801)254-9028 Cty: South Jordan St: UT Zip: 84095

Agency: SAN Sandy City Police Date Recov/Rcvd: / /
Officer: rstevens Area:
UCR Status: Wrecker Service:
cal Status: Storage Location:
tatus Date: / / Date Released: / /

Item: 17 Clothes
 Brand: Wedding Dress
 Model: Size 8 Yr: 0
 Serial Nmbr:
 Color: WHI/
 Owner: 17981 -----
 Lst: Deseret Industries Fst: Mid:
 DOB: / / SSN: - - Adr: 727 E 9400 S
 Rac: Sx: Tel: () - Cty: Sandy St: UT Zip:

 Agency: SAN Sandy City Poli Accum Amt Recov: 500.00
 Officer: tarnold Storage Location:
 UCR Status: SRL Stolen Locally/ Tag Number: 330-1
 Local Status: HFE Hold for Eviden Crime Lab Number:
 Local ID: CAS 00-517
 Status Date: 01/15/2000 Date Released: / /
 Date Recov/Rcvd: 01/26/2000 Released By:
 Amt Recovered: 500.00 Released To:
 Custody: Reason:
 Comments: recovered from D.I. on 01/26/2000

=====

Property Characteristics Detail

Property Characteristics

Code	Comments
OLD	Old/Used Condition

Local identification detail:

Local ID

Type	ID
CAS Case Number	00-517

```

Item: 51 fingerprint      Owner Applied Nmbr:
Brand:                      Characteristics: FOLD
Model: Latents             Yr: 0           Quantity: 1           Meas:
Serial Nmbr:               Total Value: 0.00
Color: /                   UCR Code: OTH Other
- Owner: -----
Lst:                        Fst:                        Mid:
DOB:                        SSN:                        Adr:
Rac:  Sx:  Tel:            Cty:                        St:  Zip:
-----
Agency: SAN  Sandy City Poli  Accum Amt Recov: 0.00
Officer: tarnold              Storage Location:
UCR Status:                   Tag Number: 4347-1 00-517
Local Status: HFE  Hold for Eviden  Crime Lab Number:
Local ID: CAS  00-517
Status Date: 01/15/2000      Date Released: / /
ate Recov/Rcvd: 01/15/2000   Released By:
Amt Recovered: 0.00          Released To:
Custody:                     Reason:
Comments:

```

=====

Property Characteristics Detail

Property Characteristics

Code	Comments
FOLD	Folded/Bent

Physical identification detail:

Local ID

Type	ID
CAS Case Number	00-517

Today January 15 2000 I was shopping
at the D.I. in the Bid Section.

I noticed a wedding Dress on a hanger
and went to the cash register. The next
thing I knew a white female lady
was standing behind me with the
wedding dress in hand. I was wondering
what she was doing to the fact that
it was a bid item & not for sale.

When she noticed me staring at her
& whispering to my husband she
got nervous & started walking to the
back of the store. I got a hold
of a sales person & told her the story,
& ~~went~~ walked around the store trying
to point her out. We finally ~~caught~~ found
~~up with her~~ her but it was too late
she was on her way out the door. →

Ron & I followed her out to her
car & Ron tapped on her ~~car~~ window
& asked her to stop. & She proceeded
to go in reverse & Ron stepped in
front of her ~~car~~ car & put up
up his hand motioning her to stop.
she put her car in drive & ran
into him causing Ron to flip onto the
hood of the car.

In her
hand was
a blue bag
stuffed
she did
not have
the blue
bag with
her when
she was
standing
in line

stop! but she wouldn't. She proceed
to turn out of the parking isle,
& Ron Fell off.

We saw her leaving the dressing
room area & walk out the
door. That it ~~is~~ is when
Ron & I noticed the blue
bag in her hand.

Lindsay Waldron

10-07-78

Hm. 484-9561

cell. # 699-6455

CONFIDENTIAL
AUTHORIZED FOR LAW
ENFORCEMENT ONLY

10000 South Centennial Parkway
Sandy, Utah 84070
(801) 568-7200

WITNESS STATEMENT

DATE: 1-15-2002

CASE #: _____

LOCATION: D.I

TIME OF OCCURRENCE: 5:15 pm

NAME: RONALD G. Wilcox

DOB: 9-15-38 AGE: 61

ADDRESS: 396 W HARVARD DR.

HOME PHONE: 561-1088

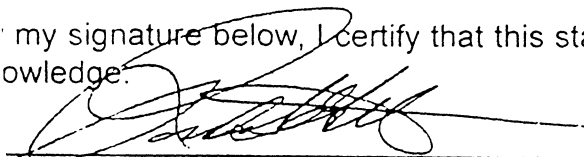
CITY/STATE/ZIP: M. DUPLA, UT 84047

BUSINESS PHONE: 255-2899

DESCRIBE WHAT YOU SAW: I WAS WALKING TOWARD THE EAST END OF THE BUILDING, WHEN A LADY YELLED AT ME THAT A WOMAN HAD TAKEN A WEDDING DRESS FROM OUR BID AREA. THE LADY & MYSELF WENT OUTSIDE TO TALK TO THE WOMAN, WHEN I ~~WENT~~ ^{KNOCKED} ON THE PASSENGER WINDOW SHE DROVE OUT VERY FAST, THINK SHE CAME STRAIGHT AT ME AT A HIGH RATE OF SPEED, KNOCKING ME ON TO THE HOOD OF HER CAR. SHE THEN HIT THE BRAKE AND THEN HIT ME AGAIN, AT WHICH TIME I HIT THE HOOD AGAIN AND SLID OFF THE SIDE OF HER CAR. AT WHICH TIME SHE TOOK OFF GOING NORTH OF THE EAST. THE YOUNG LADY THAT WAS W/ ME SAID THE WOMAN HIT MY RIGHT LEG & ~~THROUGH~~ ^{THROUGH} ME ON THE HOOD OF HER CAR. I CALLED SANDY POLICE AS SOON AS I WAS ON THE GROUND WHILE THE OTHER LADY RAN TO CHECK THE PLATE NUMBER.

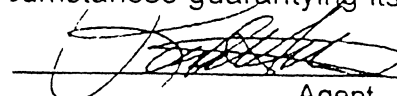
NOTICE: You are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Pursuant to Utah Code Annotated 76-8-504 / Sandy City Code 7-8-23, and Utah Code annotated 76-8-506 / Sandy City Code 7-8-25, it is a crime to knowingly provide false information in this written statement.

my signature below, I certify that this statement is true, accurate, and complete, to the best of my knowledge.



Witness

my signature below, I certify that I obtained this statement without coercion or duress and the circumstances guarantying its reliability:



Agent

CONFIDENTIAL
AUTHORIZED FOR LAW
ENFORCEMENT ONLY

Tab 5

Abuse can damage girls' brain chemistry

By Steve Sternberg
USA TODAY

Child abuse and other traumatic early experiences forever alter a woman's brain chemistry, setting the stage for future psychological problems, says a study out today.

The study offers the first evidence in humans that early trauma can change the brain's response to stress and raise the risk of mood and anxiety disorders later in life, says lead author Charles Nemeroff of Emory University in Atlanta.

"This is the first human study to report persistent changes in stress reactivity in adult survivors of early trauma," the researchers report in the *Journal of the American Medical Association*.

The findings take on added meaning, Nemeroff says, in light of the more than 3 million reported cases of child abuse each year, which create a population of children at a much higher risk of psychopathology later in life.

"This is a horrendous problem," he says.

The study involved 49 healthy women, ages 18 to 45. They were divided into four groups: 12 who had no history of childhood abuse or depression; 13 who had been severely abused as children and who now suffer from major depression; 14 who were abused but are not depressed; and 10 who were never abused but are depressed.

Researchers found:

- Women who were abused as children were four times more likely than other women to develop excessive stress responses to mild stimuli.

- Women who were abused and who now have an anxiety disorder or depression are six times more likely than other women to suffer an abnormal stress response.

The study offers important insights into one of the most hotly debated aspects of mental health, the relative contribution of genetics and environment in the development of mental illness.

Nemeroff says the brain chemistry changes seen in the women in the study match the changes seen in laboratory animals, mainly non-

human primates and mice. The animals were first separated from their mothers — a major trauma for them. Much later, they were startled by exposure to a stressful stimulus, a puff of air, which provoked the same biochemical changes seen in the women.

Studies in humans also have provided circumstantial evidence of the link between early trauma and heightened reactivity to stress. For instance, the researchers cite a study of 2,000 women showing that those who were sexually or physically abused as children were more likely to develop symptoms of depression and anxiety and were more likely to try suicide than those who had not been abused.

Another report, published two years ago by researchers at the Kaiser Permanente Medical Care Program in San Diego, linked "adverse emotional experiences in childhood"

with an increased risk of chronic disease later in life.

Vincent Felitti, Kaiser Permanente's chief of preventive medicine, theorized at the time that people who are abused in childhood adopt risky behaviors to help them cope with the consequences of nasty experiences.

Unlike prior studies, the latest research was able to pinpoint a precise biochemical abnormality in affected women. It is the production of excess corticotrophin-releasing factor, a biochemical that ratchets up the brain's stress response.

By blocking the activity of the chemical, researchers might be able to return the brain's stress response to normal or near normal, Nemeroff says. Drugs that might accomplish the task are being tested, he says, but they're experimental and won't be available for years, if at all.

Standard antidepressants, including Prozac, are effective treatments for anxiety as well as depression. Nemeroff says his team has begun a study that is designed to demonstrate whether those drugs, already on the market, actually correct the underlying biochemical abnormality in women who were sexually or physically abused in childhood.

Child abuse's effects are "a horrendous problem."

— Researcher Charles Nemeroff